THE BOMBAY CODE.

VOLUME IV.

Agents for the Sale of Books Published by the Superintendent of Government Printing, India, Calcutta.

IN EUROPE.

* Constable & Co., 10, Orange Street, Leicester Square, London, W.C.

Kegan Paul, Trench, Trübner & Co., 68-74, Carter Lane, E.C., and 39, New Oxford Street, London, W.C.

Bernard Quaritch, 11, Grafton Street, New Bond Street, London, W.

P. S. King & Sons, 2 & 4, Great Smith Street, Westminster, London, S.W.

Grindlay & Co., 54, Parliament Street, London, S.W.

Luzac & Co., 46, Great Russell Street, London, W.C.

W. Thacker & Co., 2, Creed Lane, London, E.C.

T. Fisher Unwin, Ltd., 1, Adelphi Terrace, London, W.C.

Wheldon & Wesley, Ltd., 2, 3 and 4, Arthur Street, New Oxford Street, London, W.C. 2.

Messrs. East and West, Ltd., 3, Victoria Street, London, S. W. 1.

B. H. Blackwell, 50 & 51, Broad Street, Oxford.

Deighton, Bell & Co., Ltd., Cambridge.

Oliver and Boyd, Tweeddale Court, Edinburgh.

E. Ponsonby, Ltd., 116, Grafton Street, Dublin.

Ernest Leroux, 28, Rue Bonaparte, Paris.

Martinus Nijhoff, The Hague, Holland.

Otto Harrassowitz, Leipzig.

Friedländer und Sohn, Berlin.

IN INDIA AND CEYLON.

Thacker, Spink & Co., Calcutta and Simla.

W. Newman & Co., Ltd., Calcutta.

R. Cambray & Co., Calcutta.

S. K. Lahiri & Co., Calcutta.

The Indian School Supply Depôt, 309, Bow Bazar Street, Calcutta, and 226, Nawabpur, Dacca.

Butterworth & Co. (India), Ltd., Calcutta.

Rai M. C. Sarcar Bahadur and Sons, 90/2A, Harrison Road, Calcutta.

The Weldon Library, 26, Chowringhee Road, Calcutta.

Standard Literature Co., Ltd., Calcutta.

Association Press, Calcutta.

Higginbotham & Co., Madras.

V. Kalyanarama Iyer & Co., Madras.

P. R. Rama Iyer & Co., Madras.

Thacker & Co., Ltd., Bombay.

D. B. Taraporevala, Sons & Co., Bombay.

Sunder Pandurang, Bombay.

Ram Chandra Govind & Son, Kalbadevi, Bombay.

Proprietor, New Kitabkhana, Poona.

The Standard Bookstall, Karachi, Rawalpindi, Murree and Lahore.

Karsandas Narandas & Sons, Surat.

A. H. Wheeler & Co., Allahabad, Calcutta and Bombay.

N. B. Mathur, Supt., Nasir Kanun Hind Press, Allahabad.

Chukervertty, Chatterjee & Co., Ltd., 13, College Square, Calcutta.

Rai Sahib M. Gulab Singh & Sons, Mufid-i-Am Press, Lahore and Allahabad.

Messrs. The North India Christian Tract and Book Society, 18, Clive Road, Allahabad.

Ram Dayal Agarwala, 184, Katra, Allahabad.

Rama Krishna & Sons, Booksellers, Anarkali, Lahore.

Munshi Seeta Ram, Managing Proprietor, Indian Army Book Depôt, Juhi, Cawnpore.

Supt., American Baptist Mission Press, Rangoon.

Proprietor, Rangoon Times Press, Rangoon.

The Modern Publishing House, Ltd., 70, Sparks Street, Rangoon.

Messrs. The International Buddhist Book Depôt, Post Box No. 971, Rangoon.

Manager, the "Hitavada," Nagpur.

S. C. Talukdar, Proprietor, Students and Co., Cooch Behar.

Manager of the Imperial Book Depôt, 63, Chandney Chauk Street, Delhi.

Oxford Book and Stationery Co., Delhi.

Manager, Newal Kishore Press, Lucknow.

Messrs. The Upper India Publishing House Ltd., 41, Aminabad Park, Lucknow.

Times of Ceylon Co., Ltd.

The Manager, Ceylon Observer, Colombo.

The Manager, Oriental Book Supplying Agency, 15, Shukrawar, Poona City.

Messrs. Bright & Co., Trivandrum.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE BOMBAY CODE

IN FIVE VOLUMES.

VOLUME IV:

CONTAINING

THE UNREPEALED ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL IN FORCE IN BOMBAY, FROM 1898 TO 1908, INCLUSIVE; AND A CHRONOLOGICAL TABLE OF ENACTMENTS REPRODUCED IN THE VOLUME WITH INDEX.

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1924

CHRONOLOGICAL TABLE OF ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL IN FORCE IN BOMBAY (*1898 to 1908*).

1	2	3	4	5
Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1898	I	The City of Bombay Municipal Investments Act, 1898.	.....	1
	II	[1]The Sindh Village Officers (Amendment) Act, 1898.	Rep. in part, Act 4 of 1907.	4
	III	[1]The Bombay District Police (Amendment) Act, 1898.	.....	5
	IV	The City of Bombay Improvement Act, 1898.	Rep. in part and amended, Act 38 of 1920. Bom. Act 4 of 1901. Bom. Act 1 of 1913. Amended, Bom. Act 3 of 1907. Bom. Act 2 of 1908. Bom. Act 2 of 1919. Bom. Act 11 of 1920. Bom. Act 20 of 1920. Supplemented and Validated Act 14 of 1904.	6
1899	I	[1]The Bombay Port Trust (Amendment) Act, 1899.	.....	98
	II	The Bombay Prevention of Adulteration Act, 1899.	Rep. in part, Bom. Act 3 of 1901. Bom. Act 3 of 1902.	100
	III	The Government Occupants (Sind) Act, 1899.	Rep. in part, Bom. Act 4 of 1905. Rep. in part and amended, Bom. Act 1 of 1908. Amended, Bom. Act 2 of 1919. Bom. Act 3 of 1919.	105
1900	I	The Bombay Civil Courts Amendment Act, 1900.	.....	107

[1] These short titles were given by the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), *see* Vol. V of this Code.

1	2	3	4	5
Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1900	II	[1]The City of Bombay Municipal (Amendment) Act, 1900.	Amended, Bom. Act 5 of 1903.	108
"	III	[1]The Bombay City Land-revenue (Amendment) Act, 1900.	.....	109
1901	I	[1]The Bombay Salt (Amendment) Act, 1901.	.....	110
"	II	The Bombay Port Trust Act Amendment Act, 1901.	.....	110
"	III	The Bombay District Municipal Act, 1901.	Rep. in part, Bom. Act 1 of 1910. Rep. in part and amended — Bom. Act 3 of 1903. Bom. Act 4 of 1904. Amended, Act 38 of 1920. Bom. Act 3 of 1902. Bom. Act 10 of 1912. Bom. Act 8 of 1914. Bom. Act 3 of 1915. Bom. Act 6 of 1917. Bom. Act 6 of 1918. Bom. Act 2 of 1919. Bom. Act 3 of 1920. Supplemented, Bom. Act 5 of 1890 [saved by s. 2 (1) (c) of Bom. Act 3 of 1901] and by Bom. Act 2 of 1899 as amended by Bom. Act 3 of 1902. Supplemented, Bom. Act 1 of 1918.	111
	IV	The City of Bombay Improvement Amendment Act, 1901.	Modified, Bom. Act 1 of 1915, ss. 2(*a*), 7.	259
	V	The Bombay Abkari Act Amendment Act, 1901.	Virtually rep. in part, Bom. Act 12 of 1912.	260

[1] These short titles were given by the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), *see* Vol. V of this Code.

1	2	3	4	5
Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1901	VI	The Bombay Land-revenue Code Amendment Act, 1901.	.....	262
1902	I	The Dekkhan Agriculturists' Relief Act, 1902.	.....	264
,,	II	The Karachi Port Trust Act Amendment Act, 1902.	.....	264
,,	III	The Bombay District Municipal Act (1901) Amendment Act, 1902.	.....	268
,,	IV	The City of Bombay Police Act, 1902.	Rep. in part, Bom. Act 1 of 1910. Rep in part and amended, Bom. Act 2 of 1917. Bom. Act 5 of 1913. Amended, Act 38 of 1920. Bom. Act 4 of 1905. Bom. Act 3 of 1915. Bom. Act 6 of 1920. Bom. Act 18 of 1920. Bom. Act 5 of 1921.	271
1903	I	*The Bombay Abkari (Amendment) Act, 1903.*	Virt. rep., Bom. Act 12 of 1912.	330
,,	III	[1]The Bombay District Municipal (Amendment) Act, 1903.	.....	330
,,	V	[1]The City of Bombay Municipal (Amendment) Act, 1903.	.....	331
1904	I	The Bombay General Clauses Act, 1904.	Amended, Bom. Act 4 of 1905.	331
,,	III	The Khoti Settlement Act Amendment Act, 1904.	.....	349
,,	IV	[1]The Bombay District Municipal (Amendment) Act, 1904.	.....	350

[1] These short titles were given by the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921); *see* Vol. V of this Code.

1	2	3	4	5
Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1905	I	The Bombay Court of Wards Act, 1905.	Amended, Bom. Act 1 of 1910. Bom. Act 2 of 1913.	351
„	II	The Gujarat Talukdars' (Amendment) Act, 1905.	.....	371
„	III	[1]The Bombay Abkari (Amendment) Act, 1905.	.....	372
„	IV	The Bombay Repealing and Amending Act, 1905.	.....	372
„	V	The City of Bombay Municipal (Amendment) Act, 1905.	.....	375
1906	I	The Sind Courts Amendment Act, 1906.	Amended, Bom. Act I of 1910. S. 6 virt. rep. in part, Bom. Act 2 of 1916.	383
„	II	The Mamlatdars' Courts Act, 1906.	.....	384
1907	I	The Bombay Tramways (Amendment) Act, 1907.	.....	397
„	II	The Dekkhan Agriculturists' Relief (Amendment) Act, 1907.	.....	398
„	III	The City of Bombay Police Charges Act, 1907.	S. 23 virt. rep., Bom. Act 1 of 1913. S. 24 virt. rep., Act 8 of 1914.	399
1908	I	The Government Occupants (Sind) Amendment Act, 1908.	.....	403
„	II	The City of Bombay Improvement (Amendment) Act, 1908.	.....	404

[1] This short title was given by the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), *see* Vol. V of this Code.

THE BOMBAY CODE.

VOLUME IV.

ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL FROM 1898 TO 1908.

BOMBAY ACT No. I OF 1898.[1]

[*3rd June, 1898.*]

An Act to supplement the provisions of the City of Bombay Municipal Act, 1888, with respect to the Investment of Sinking Funds and Surplus Moneys, and to validate certain Debentures.

WHEREAS it is expedient to supplement the provisions of the [2]City of Bombay Municipal Act, 1888, with respect to the investment in public securities of sinking funds and surplus moneys of the Municipal Corporation of the City of Bombay; and whereas it is also expedient to remove doubts which have arisen with respect to the validity of certain debentures of the Corporation in which portions of their sinking funds and surplus moneys purport to have been heretofore invested, and to obviate the extinction of such debentures of the Corporation as have been, or may hereafter be, issued in or transferred to the name of the Corporation or to the name of the Municipal Commissioner for the City of Bombay on behalf of the Corporation in respect of any such investments; Bom. Act III of 1888.

It is hereby enacted as follows :—

1. This Act may be cited as the City of Bombay Municipal Investments Act, 1898.

2. (*1*) In respect of any Sinking Funds which, by the [2]City of Bombay Municipal Act, 1888, the Corporation are directed or empowered to invest in public securities, and in respect of any surplus moneys which, by the same Act (as amended by the [2]City of Bombay Municipal Act Amendment Act, 1893), Bom. Act III of 1888. Bom. Act I of 1894.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1898, Pt. V, p. 73; and for Proceedings in Council, *see ibid*, p. 205.

[2] Vol. III of this Code.

the Municipal Commissioner on behalf of the Corporation is empowered to invest in like securities, it shall be lawful for the Corporation to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of the Governor General of India in Council shall have been duly obtained under section 106 of the [1] City of Bombay Municipal Act, 1888, provided that the intention to so reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

Bom. Act III of 1888.

(2) The issue of any such debentures direct to and in the name of "The Municipal Commissioner for the City of Bombay" on behalf of the Corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

3. The purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Municipal Commissioner on behalf of the Corporation of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

4. All the several debentures of the Corporation heretofore issued, transferred, assigned or endorsed in the name of the Corporation or in the name of the Municipal Commissioner on behalf of the Corporation as specified in Schedule A, and all debentures heretofore issued by way of renewal, consolidation or sub-division of any of the said debentures shall be deemed to be and to have always been valid and negotiable in all respects and in the same manner as if the same had been issued against moneys borrowed from the Secretary of State or any other person.

5. The signature of the person for the time being holding the office of the Municipal Commissioner for the City of Bombay to a transfer of any debenture standing in the name of the Corporation or of the Municipal Commissioner on behalf of the Corporation shall be valid and sufficient, notwithstanding that such person may not have held the said office at the time when such debenture was issued, transferred, assigned or endorsed to the name of the Corporation or the Municipal Commissioner as aforesaid.

---

[1] Vol. III of this Code.

SCHEDULE A.

Particulars of Loans and Numbers of Debentures.	Number.	Amount.	Total.	Grand Total.
5 per cent. Bombay Municipal Loan (Rs. 10,08,500) for Drainage and Water Works, Markets and Roads.		Rs	Rs.	Rs.
Nos. 445 to 729	285	500	1,42,500	
„ 730 to 741	12	500	6,000	
				1,48,500
5 per cent Agripada House Sullage Water Connections Loan (Rs. 2,48,000).				
Nos. 1 to 170	170	500	85,000	
„ 171 to 182	12	500	6,000	
„ 183 to 188	6	500	3,000	
„ 485 to 492	8	500	4,000	
„ 493 to 496	4	500	2,000	
				1,00,000
The (5 per cent.) 35 Lakhs various Sanitary Works Loan.				
Nos. 6801 to 6825	25	500	12,500	
„ 6826 to 6876	51	500	25,500	
„ 6877 to 6888	12	500	6,000	
„ 6889 to 6894	6	500	3,000	
„ 6895 to 6902	8	500	4,000	
„ 6903 to 6967	65	500	32,500	
„ 6968 to 6992	25	500	12,500	
„ 6993 to 7000	8	500	4,000	
				1,00,000
5 per cent. Tansa Water Works Loan (Rs. 147 Lakhs).				
Nos. 24401—24450 to 25351—25400 ...	20	25,000	5,00,000	
„ 25401—25440 to 26201—26240 ...	21	20,000	4,20,000	
„ 26241 26270 to 27261—27290 ...	35	15,000	5,25,000	
„ 27291—27310 to 28271—28290 ...	50	10,000	5,00,000	
„ 28291—28300 to 28481—28490 ...	20	5,000	1,00,000	
„ 28491—28494 to 28887—28890 ...	100	2,000	2,00,000	
„ 28891—28892 to 29229—29230 ...	170	1,000	1,70,000	
„ 29231—29270 to 29351—29390 ..	4	20,000	80,000	
„ 29391—29392 and 29393—29394 ...	2	1,000	2,000	
„ 29395—29396 to 29399—29400 ...	3	1,000	3,000	
				25,00,000
The (5 per cent.) Municipal Building Loan (Rs. 8,00,000).				
Nos. 1—50 to 151—200	4	25,000	1,00,000	
„ 201—240 to 361—400	5	20,000	1,00,000	
„ 401—430 to 551—580	6	15,000	90,000	
„ 581—600 to 961—980	20	10,000	2,00,000	
„ 981—990 to 1171—1180	20	5,000	1,00,000	
„ 1181—1184 to 1377—1380 ...	50	2,000	1,00,000	
„ 1381—1382 to 1599—1600 ...	110	1,000	1,10,000	
				8,00,000
Total 5 per cent. Loan Debentures ...	...	...	...	36,48,500

SCHEDULE A—*contd.*

Particulars of Loans and Numbers of Debentures.	Number.	Amount.	Total.	Grand Total.
		Rs.	Rs.	Rs.
The (4 per cent.) Loan of 4⅓ Lakhs for Fire Brigade Quarters and Stations.				
Nos. 1—20 to 181—200	10	10,000	1,00,000	
„ 201—210 to 291—300	10	5,000	50,000	
„ 301—304 to 417—420	30	2,000	60,000	
„ 421—422 to 479—480	30	1,000	30,000	
„ 481 to 500	20	500	10,000	
Total 4 per cent. Loan Debentures ...	...	...	...	2,50,000
GRAND TOTAL ...	...	...	...	38,98,500

BOMBAY ACT No. II OF 1898.[1]

[*3rd June, 1898.*]

An Act to amend the Sind Village Officers Act, 1881, as amended by Bombay Act II of 1888.

WHEREAS it is expedient further to amend the [2]Sind Village Officers Act, 1881, as amended by [3]Bombay Act II of 1888, in manner hereinafter appearing; It is enacted as follows :— Bom. Act IV of 1881.

Amendment of section 2 of Bombay Act IV of 1881.

1. In section 2 of the said Act, for the words "Kotars or Tapedars' peons" there shall be substituted the following, *viz.* :—

"Supervising, Probationary, Special and Naib Tapedars, Zabits, and Kotars or Tapedars' peons."

2 and 3. [*Amendment of section 6 of Bombay Act IV of 1881*]. *Rep. by Act IV of 1907.*

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1897, Pt. V, p. 209; for Report of Select Committee, *see ibid*, p. 210; and for Proceedings in Council, *see ibid*, p. 249, and *ibid*, 1898, pp. 63 and 186.

Short Title:—"The Sind Village Officers (Amendment) Act, 1898," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[2] Vol. II of this Code.

[3] Vol. III of this Code.

BOMBAY ACT No. III of 1898.[1]

[*3rd August, 1898.*]

An Act to amend the [2]Bombay District Police Act, 1890.

Bom. Act IV of 1890.

WHEREAS it is expedient to amend the [2]Bombay District Police Act, 1890, in manner hereinafter appearing; It is enacted as follows :—

Bom. Act IV of 1890.

1. For section 1 of the [2]Bombay District Police Act, 1890, which is hereinafter referred to as the said Act, there shall be substituted the following, *viz.* :— Amendment of section 1.

[Vol. III of this Code.]

2. In section 2 of the said Act, for the word-and figure "sub-section (*1*)" there shall be substituted the following, *viz.*:— Amendment of section 2.

"Sub-section (*2*)."

3. For sub-section (*2*) of section 25 of the said Act there shall be substituted the following, *viz* :— Amendment of sub-section (*2*) of section 25.

[Vol. III of this Code.]

4. After sub-section (*2*) of section 25 of the said Act there shall be inserted the following new sub-section, to be numbered (*3*), *viz.* :— Insertion of new sub-section (*3*) in section 25.

[Vol. III of this Code.]

5. For sub-section (*3*) of section 25 of the said Act the following, which shall be numbered sub-section (*4*), shall be substituted, *viz.*:— Amendment of sub-section (*3*) of section 25.

[Vol. III of this Code.]

6. After new sub-section (*4*) of section 25 of the said Act there shall be inserted the following new sub-section, *viz.* :— Insertion of new sub-section (*5*) in section 25.

[Vol. III of this Code.]

7. After section 25 of the said Act there shall be inserted the following new section, *viz.* :— New section added.

[Vol. III of this Code.]

8. (*1*) In sub-section (*1*) of section 26 of the said Act,— Amendment of section 26.

(*a*) after the word "Every" there shall be inserted the following, *viz.*:—

"tax imposed or";

(*b*) for the words "last preceding section," there shall be substituted the following, *viz.* :—

"the last two preceding sections"; and

(*c*) at the end of the said sub-section (*1*) there shall be added the following, *viz.* :—

[Vol. III of this Code.]

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1897, Pt. V, p. 270; for Report of Select Committee, *see ibid*, 1898, p. 1; and for Proceedings in Council, *see ibid*, 1897, p. 249, and *ibid*, 1898, pp. 188 and 292.

Short Title:—"The Bombay District Police (Amendment) Act, 1898," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[2] Vol. III of this Code.

(*2*) In sub-section (*2*) of the same section,—

(*a*) After the word "Every" there shall be inserted the following, *viz.*:—

"tax imposed or"; and

(*b*) after the words "rate assessed," there shall be inserted the following, *viz.*:—

"or amount recoverable."

New section added.

9. After section 26 of the said Act there shall be inserted the following new section, *viz.*:—

[Vol. III of this Code.]

Amendment of section 42.

10. In sub-section (*1*) of section 42 of the said Act, after the words "singing of songs," there shall be inserted the following, *viz.*:—

"playing of music."

Amendment of section 48.

11. In clause (*a*) of sub-section (*1*) of section 48 of the said Act, after the words "conduct of," there shall be inserted the following, *viz.*:—

"and behaviour or action of persons constituting."

THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, extent and commencement.

Saving the provisions of the Indian Telegraph Act and the Indian Railways Act.

2. Definition of terms.

"Street", "public securities", "land".

CHAPTER II.

OF THE BOARD OF TRUSTEES.

Constitution of Board.

3. Board charged with execution of this Act.
4. Constitution of the Board.
5. Elected Trustees to be elected by the Corporation, the Chamber of Commerce, the Trustees of the Port of Bombay and the Mill-owners' Association.
6. Method of election.
7. Report to be made of election.
8. Procedure in event of default to elect.
9. Appointment of nominated Trustees and the Chairman.
10. Term of office of first Trustees when to commence.
11. Election and appointment of Trustees.

SECTIONS.

12. Duration of term of office of Trustees.

13. Casual vacancies.
For periods exceeding three months.
Saving provision for acting appointment when necessary for less than three months.

Disqualification of Trustees.

14. Causes which disqualify.
Proviso.

15. Grounds on which Trustees shall vacate office.
Restriction on power of Trustees to vote or discuss matters in which they are interested.

16. Government to determine salary of Chairman.

17. Fees to which Trustees other than the Chairman shall be entitled.
For an ordinary meeting.
For a special meeting.
For a special meeting of a Committee.
Proviso.

Proceedings of Board.

18. Provisions concerning the Board's proceedings.
Vacancy not to affect proceedings.
The Board to meet and arrange for transaction of business as they think fit.
There must be an ordinary meeting once a month, or a special meeting whenever necessary.
Eight Trustees shall form a quorum.
Chairman, if present, to preside at every meeting.
All questions must be decided by a majority of votes.
Poll may be demanded.
Minutes must be kept.
The Board may delegate power to Committees.
Chairman to be President of every Committee.
Committees when to meet.
Chairman, if present, to preside at every meeting of a Committee.
Questions in Committee to be decided by majority of votes: two-thirds of the members to form a quorum.
Acts of the Board, etc., not to be invalidated by informalities.

19. Mode of executing contracts when the value is not more than Rs. 1,000.
When the value is more than Rs. 1,000.
Custody and use of common seal.

19A. Signature of Chairman on coupons of debentures may be impressed, etc.

20. The Board may compromise claims by or against them.

The Chairman.

SECTIONS.

21. Duties of Chairman.
22. Leave of absence of Chairman.
Allowance of Chairman while absent on leave.
Appointment and salary of Acting Chairman.
Leave allowance and pension of Chairman.

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

23. The Board on being satisfied by official representation of unhealthiness of district or area to make scheme for its improvement.
23A. Government on official reference to direct Board to make an improvement scheme,
or to pass decision on official representation.
24. Official representation to be made by the Commissioner.
24A. Definition of official reference.
25. Particulars to be provided for in an improvement scheme.
26. Considerations which shall prevail in making the scheme.
27. Procedure on completion of the scheme.
Copy of notification of the scheme to be communicated to the President of the Corporation.
Publication of notification.
Service of notices on owners of property to be acquired in executing the scheme.
Notices how to be served.
27A. Right of owner to demand acquisition on issue of notification when building operations are in progress.
27B. Right of owner to demand acquisition or withdrawal by the Board after the lapse of one year from the date of the notification.
28. The Board after publication and service of notices to forward the scheme to Government for sanction.
Particulars to accompany the application for sanction.
Procedure when the scheme provides for the construction of dwellings for the poorer and working classes.
29. On receipt of sanction, declaration to be published giving particulars of land to be acquired, and on publication of such declaration the Board to proceed to execute the scheme.
The Board to have power to alter any part of the scheme.

Street Schemes.

SECTIONS.

30. The Board to have power to make a street scheme.

31. Particulars to be provided for in a street scheme.

32. Procedure on the completion of a scheme.

Deferred Street Schemes.

32A. The Board to have power to make a deferred street scheme.

Particulars to be provided for in a deferred street scheme.

Poorer Classes Accommodation Schemes.

32B. Application by employer for Poorer Classes Accommodation Scheme.

The Board may pass a resolution and make a scheme.

Particulars to be provided for in the scheme.

32C. Land on which dwellings may be constructed.

32D. Procedure on completion of scheme.

32E. Procedure when dwellings are to be constructed on Schedule C or D land.

32F. Deposit and notice.

32G. Term of lease and amount of rent.

32H. Provisions as to lease.

32I. Default and determination of lease.

Reclamation Schemes.

33. The Board to have power to make a reclamation scheme.

34. Particulars to be provided for in a reclamation scheme.

35. Procedure on completion of a scheme.

Copy of notification of the scheme to be communicated to the President of the Corporation.

Publication of notification.

36. The Board after publication to forward the scheme to Government for sanction.

37. Government not liable for loss due to enforcement of any order issued under section 33 or 34.

Police Accommodation Schemes.

SECTIONS.

38. The Board to have power to make a Police accommodation scheme.

Particulars to be provided for in a Police accommodation scheme.

39. Procedure on the completion of a scheme.

40. Vesting of land in Board.

Execution of scheme.

Terms of lease to Government.

" The cost of land " defined.

Land finally to vest in His Majesty.

Vesting of Streets, etc.

41. Municipal street required for scheme and vacant municipal land required for street to be vested in the Board

Questions arising under the provisos to sub-section (*1*) to be determined by the Collector.

41A. Cost of acquiring such land when to be repaid to the Corporation.

42. The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities in regard to public and private streets.

43. Powers and liability of the Board as to gas pipes in land vested in the Board.

44. The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities by the Bombay Tramways Act, 1874.

45. Minimum width of new streets.

Proviso in case of garden or open spaces being reserved on one or both sides of a street.

Streets on completion to vest in and be maintained by the Corporation.

Service passages.

Open spaces reserved for ventilation to vest in and be maintained by the Corporation.

Disputes under this section to be determined by Government.

Acquisition of Land.

SECTIONS.

46. The Board to have power to acquire land by agreement.
47. Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.
48. A Tribunal of Appeal to be appointed to perform the functions of the Court.
Constitution of the Tribunal.
Selection of President.
Duration of office.
Removal of members.
Vacancies to be supplied.
Remuneration of members.
Expenses of the Tribunal to be paid by the Board.
Enforcement of the decision of the Tribunal.
Appeal to the High Court from the decision of the Tribunal in certain cases.
Power of President to make appointments and rules with the sanction of Government.
Powers of the Tribunal.
49. Special provisions as to compensation.
50. Collector to take possession after making award and transfer land to the Board.

Resumption of Lands from the Board.

51. Compensation to Board on land resumed.
51A. Definition of term "Cost of Reclamation."

CHAPTER IV.

BORROWING POWERS.

52. Power to borrow from the Secretary of State for India in Council or other persons.
53. Government to direct manner in which money shall be borrowed from other persons.
54. [*Repealed.*]
55. Provision for sinking fund to repay money borrowed.
56. Dates fixed for investment of sinking funds in public securities.
57. Period over which loans may extend.

SECTIONS.

58. Form of securities.
58A. Payment to survivors of joint payees.
58B. Power of one or more joint holders to grant receipts.
59. The Board to have power to take advances from Banks to the extent of any loan sanctioned by Government and to grant mortgages.

CHAPTER V.

PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

60. Particulars of land vested in the Board.
The Flats.
The Kennedy Sea Face.
The Cooperage Plot, the Secretariat Plot, and the Marine Lines Estate.
The Board to maintain and manage lands referred to in sub-sections (2), (3) and (4).
Period for which lands shall remain vested in the Board.
Proviso as to aggregate term for which such lands may be leased by the Board.
Power of the Board to exchange, and effect of such exchange.
Power of the Board to hold other lands transferred by Government or the Corporation.
Power of Government and the Corporation to resume lands required for a public purpose.
Power of Government to alter entries in Schedules and deposited plans.
61. Particulars of reclamation rights vested in the Board.
Provision in event of the Board failing to commence reclamation.
Power of Government to take possession of any reclaimed land required for a public purpose.
62. Vesting of property in His Majesty and the Corporation, respectively, on the termination of leases granted by the Board.

General Powers as to Property.

63. Power to the Board to acquire and hold property.
Power to lease.
Power to sell.

SECTIONS.

64. Application of proceeds of sale and exchange of property.
65. Power to apply certain lands vested in the Board to the purposes of any scheme under this Act.
66. [*Repealed.*]

Liabilities.

67 to 71. [*Repealed.*]
71A. Provision for dissolving the Board and effects of dissolution.

CHAPTER VI.

REVENUE AND EXPENDITURE.

Contribution from Municipal Fund.

72. Amount of payment to be made by the Commissioner to the Board on the first day of May.
73. [*Repealed.*]

Payments by Government.

74. Government to pay to the Board the profits from certain lands realised subsequently to August, 1897.

Division of Accounts.

75. Cost of management for certain period to be charged to capital and thereafter apportioned between capital and revenue.
Capital account to show expenditure on each scheme and on the improvement of lands specified in Schedule C and in Schedule D and on reclamations separately.
76. [*Repealed.*]
77. Charges to which moneys credited to the General Account shall be applied.
Power to advance sums standing to the credit of the General Account to meet current capital expenditure.
78. The General Account to distinguish between items in respect of lands specified in Schedule C and in Schedule D and reclamations.

Disposal of Balances.

79. Credit balances to be applied to meet current capital expenditure or to the reduction of debt on account of loans.
Debit balances to be charged to capital.

Guarantee for fulfilment of Liabilities.

SECTIONS.

80. Procedure in event of default by Board in payment of interest or investment of sinking fund charges.
81. Procedure in case of default by Commissioner.
82. Certain sums to be a charge upon the property of the Board.

Annual Estimates.

83. Chairman to frame an annual estimate of income and expenditure.
84. The Board to sanction or amend such estimates.
85. Estimates to be submitted to Government for sanction.
86. Transitory provision for submission and treatment of first estimates after date of constitution of the Board.
87. Supplementary estimates may be prepared and submitted when necessary.
88. No sum exceeding Rs. 5,000 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.

Audit of Accounts.

89. Accounts to be audited and examined by Government auditor twice in every year.
Auditors may require production of documents.
Their remuneration to be fixed by Government.
Their report together with an abstract of the accounts to be published in the Government Gazette.

Banking.

89A. All moneys to be deposited in prescribed Bank.

CHAPTER VII.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

90. Schedule of the officers and servants and their pay and allowances to be sanctioned by the Board.
Certain classes not to be deemed officers and servants except for certain purposes.

SECTIONS.

91. The Board to frame regulations for—
Regulating grant of leave.
Authorizing payment of leave allowances.
Determining amount of acting allowances.
Regulating period of service.
Determining conditions of grant of allowances.
Authorizing contributions to Provident Fund.
Determining conditions of grant of wound pensions or compassionate allowances.

Powers of Appointment, etc.

92. Appointments, etc., by whom to be made.
93. Orders affecting pay, etc., of certain officers to be subject to the sanction of Government.
"Engineer" defined.

CHAPTER VIII.

BY-LAWS.

94. The Board empowered to make by-laws.
95. Approval and publication of by-laws.
96. Penalties for infringement of by-laws.
97. By-laws to be exhibited.

CHAPTER IX.

PENALTIES.

98. For being interested in contracts with the Board.
99. For obtaining illegal gratification.
100. For refusing or neglecting to appear before an auditor of accounts, etc.
101. Cognizance of offences against this Act.

CHAPTER X.

MISCELLANEOUS.

102. Provision when day appointed for any purpose is a Sunday or public holiday.
103. Measurement of distances.
104. Limitation of suits.

SCHEDULES.

BOMBAY ACT No. IV OF 1898.[1]

[*30th August 1898.*]

An Act for the improvement of the City of Bombay and to provide space for its future expansion.

WHEREAS it is expedient to make provision for the improvement and for the future expansion of the City of Bombay, by forming new and altering existing streets, by removing or altering insanitary buildings in certain areas, by providing open spaces for better ventilation and for recreation, by constructing new sanitary dwellings for certain classes of the inhabitants of the said City and for the Presidency Police, by laying out vacant lands and by reclaiming and laying out parts of the foreshore of the Island of Bombay; and whereas it is expedient that a Board of Trustees should be appointed and endowed with special powers to carry out the aforesaid purposes in the manner and subject to the restrictions and conditions hereinafter specified, and whereas it is proposed that certain lands and reclamation rights shall be vested in the Board in the manner hereinafter appearing, and whereas the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (*1*) This Act may be called the City of Bombay Improvement Act, 1898;

(*a*) It extends only to the City of Bombay;

(*b*) It shall come into force immediately on the passing thereof.

Saving the provisions of the Indian Telegraph Act and the Indian Railways Act.

(*2*) Nothing in this Act shall be deemed to affect the provisions of the [2]Indian Telegraph Act, 1885, or the [3]Indian Railways Act, 1890. XIII of 1885. IX of 1890.

Definition of terms.

2. In this Act, unless there be something repugnant in the subject or context, words shall be deemed to have the meaning ascribed to such words under the [4]City of Bombay Municipal Act, 1888, as from time to time amended, hereinafter referred to as "the Municipal Act": Bom. Act III of 1888.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1898, Pt. V, p. 53; for Report of Select Committee, *see ibid*, p. 53, and for Proceedings in Council, *see ibid*, pp. 157, 232, 276 and 295.

[2] General Acts, Vol. III.

[3] General Acts, Vol. IV.

[4] Vol. III of this Code.

Provided that the definition of the word "street" shall be read as if the words following the words "thoroughfare or not" were omitted : "Street."

Provided also that the term "public securities" shall include securities issued under this Act : "Public securities."

Provided also that in the construction of the provisions of Chapter III of this Act and of sections 60, 61 and 62, the word "land" shall, unless there be something repugnant in the subject or context, be deemed to have the meaning ascribed to it in sub-section (*1*) of section 47 of this Act. "Land."

CHAPTER II.

OF THE BOARD OF TRUSTEES.

Constitution of Board.

3. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "The Trustees for the Improvement of the City of Bombay"; and such Board, hereinafter referred to as "the Board", shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid. Board charged with execution of this Act.

4. The Board shall consist of fourteen members, that is to say, of three *ex-officio* Trustees, seven elected Trustees, three nominated Trustees, and a Chairman who shall also be a Trustee. Constitution of the Board.

The *ex-officio* Trustees shall be—

(1) [1] [the General Officer Commanding, Bombay Brigade, or, when the said officer is absent from Bombay, the Assistant Commanding Royal Engineer,]

(2) the Collector,

and

(3) the Commissioner.

5. Of the elected Trustees four shall be elected by the Corporation, one by the Bombay Chamber of Commerce (hereinafter called the Chamber), one by the Trustees of the Port of Bombay (hereinafter called the Port Trustees) and one by the Bombay Mill-owners' Association (hereinafter called the Mill-owners' Association), out of their own bodies, respectively, and any Trustee so elected shall be re-eligible. Elected Trustees to be elected by the Corporation, the Chamber of Commerce, the Trustees of the Port of Bombay and the Mill-owners' Association.

[1] These words were substituted for the words "the General or other Military Officer Commanding Bombay District" by s. 2 and Sch. I of the Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

Method of election.

6. The election of Trustees—

(*1*) by the Corporation, the Port Trustees and the Mill-owners' Association shall be in accordance with regulations which those bodies may respectively frame, provided that the election by the Corporation shall be by open vote;

(*2*) by the Chamber shall be held in the manner laid down in the Rules and Regulations of the Chamber for the election of Port Trustees.

Report to be made of election.

7. Upon the election of any Trustee or Trustees, the President of the Corporation, or the Secretary of the Chamber or the Secretary of the Port Trustees, or the Secretary of the Mill-owners' Association, as the case may be, shall forthwith make a return to Government of the name or names of the person or persons elected as aforesaid, and such return shall be published in the Bombay Government Gazette.

Procedure in event of default to elect.

8. In the event of default being made by the Corporation, or the Chamber, or the Port Trustees, or the Mill-owners' Association, in electing any Trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government, by notification in the Bombay Government Gazette, to nominate a person belonging to the body so making default, and the person so nominated shall be deemed to be a Trustee as if he had been duly elected by the Corporation, or the Chamber, or the Port Trustees, or the Mill-owners' Association, respectively.

Appointment of nominated Trustees and the Chairman.

9. The nominated Trustees and the Chairman shall be appointed by Government by notification in the Bombay Government Gazette.

Term of office of first Trustees when to commence.

10. The term of office of the first nominated and elected Trustees shall commence on such date not being within thirty days from the date of this Act coming into force as shall be notified in this behalf by Government.

Election and appointment of Trustees.

11. Upon the publication of the notification under section 10, the Corporation, the Chamber, the Port Trustees and the Mill-owners' Association shall respectively proceed to elect Trustees, as hereinbefore provided. The Trustees first to be elected shall be elected on some day not later than a fortnight previous to the date which shall be notified under the said section, and the Trustees first to be nominated shall be appointed on some day during the said fortnight; in every other case elected Trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of

the month of March next preceding the 1st of April from which their term of office is to commence ; and nominated Trustees shall be appointed on some day in the remainder of the said month of March.

Duration of term of office of Trustees.

12. (*1*) The Chairman shall be from time to time appointed by Government for a period of not less than three years: Provided that he may be removed from office by Government at any time, if it shall appear to Government that he has shown himself unsuitable for the office, or that he has been guilty of any misconduct or neglect which renders his removal expedient.

(*2*) The first nominated Trustees and four of the first elected Trustees to be selected by lot at such time and in such manner as the Chairman shall determine, shall hold office up to and inclusive of the 31st day of March, 1901.

(*3*) The remaining three of the first elected Trustees shall hold office up to and inclusive of the 31st day of March, 1900.

In every other case the nominated and elected Trustees shall hold office for a term of two years.

Casual vacancies.

13. (*1*) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month by Government, if the office vacated was that of a nominated Trustee, or by the Corporation or the Chamber or the Port Trustees or the Mill-owners' Association, respectively, if it was that of an elected Trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

(*2*) If a Trustee, other than the Chairman,—

For periods exceeding three months.

(*a*) departs from Bombay with a declared intention of being absent for a period exceeding three months ; or

(*b*) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months ; or

(*c*) has been absent from Bombay for a period exceeding three months ;

a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

Saving provision for acting appointment when necessary for less than three months.

(*3*) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a period of less than three months in the place of an absent Trustee at the discretion of Government in case the absentee is a nominated Trustee, and on the application of the Board to the electoral body concerned if the absentee is an elected Trustee.

Disqualification of Trustees.

Causes which disqualify.

14. (*1*) A person shall be disqualified to be a Trustee who—

(*a*) is an uncertificated bankrupt or insolvent; or

(*b*) has been sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or

(*c*) holds any office or place of profit under the Board; or

(*d*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board.

Proviso.

(*2*) But a person other than the Chairman shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in—

(*e*) any lease, sale, exchange or purchase of immoveable property or any agreement for the same; or

(*f*) any agreement for the loan of money or any security for the payment of money only; or

(*g*) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(*h*) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board; or

(*i*) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.

Grounds on which Trustees shall vacate office.

15. (*1*) Any Trustee who—

(*a*) becomes disqualified for any of the reasons mentioned in the last preceding section; or

(*b*) is absent from or unable to attend the meetings of the Board for a period exceeding twelve consecutive months, or is absent without the permission of the Board from [1] [all the meetings of the Board for a period of three months]; or

(*c*) acts in contravention of the provisions of the next succeeding sub-section; or

---

[1] These words were substituted for the words "six consecutive ordinary meetings of the Board" by s. 2 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

(*d*) being an elected Trustee shall cease to be a Councillor, or a member of the Chamber, or a Port Trustee or a member of the Mill-owners' Association, as the case may be,

shall cease to be a Trustee, and his office shall thereupon become vacant':

Provided that clause (*a*) shall not be deemed to apply to a Councillor or a Port Trustee who shall upon ceasing to be a Councillor or Port Trustee, as the case may be, be forthwith re-appointed or re-elected as a Councillor or Port Trustee.

Restriction on power of Trustees to vote or discuss matters in which they are interested.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in sub-section (2) of section 14 or in which he is interested either professionally on behalf of a client or as agent for any person.

Government to determine salary of Chairman.

16. (*1*) The Chairman shall receive such monthly salary as Government shall from time to time determine: provided that such salary shall not exceed Rs. 3,000 and, save during the twelve months next succeeding the date which shall be notified under section 10, shall not be less than Rs 2,000. He shall, except within the period aforesaid, hold no other salaried office, and, save in so far as he may be otherwise permitted by Government, shall devote his whole time and attention to his duties under this Act.

(2) For the purposes of this section and of section 22 'salary' shall be deemed to be exclusive of any allowance to which the officer appointed may be entitled or any contribution [1] [payable on his account under any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service].

Fees to which Trustees other than the Chairman shall be entitled.

17. Every Trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

For an ordinary meeting.

Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than Rs. 30 shall be paid to any Trustee for his attendance at all such meetings during that one week;

For a special meeting.

Rs. 30 for every special meeting of the Board convened under sub-section (2) (*b*) of the next succeeding section;

[1] These words were substituted for the words " which he may be liable to pay under the Civil Service Regulations " by s. 3 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

For a special meeting of a Committee.

Rs. 15 for every special meeting of a Committee of which such Trustee attending is a member, convened under sub-section (4) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses;

Proviso.

Provided that the aggregate amount of fees payable to any Trustee in respect of meetings held during any month shall not exceed Rs. 200 or such sum as may be fixed by any by-law from time to time made in this behalf.

Proceedings of Board.

Provisions concerning the Board's proceedings.

18. The following provisions shall be observed with respect to the proceedings of the Board (namely) :—

Vacancy not to affect proceedings.

(1) During any vacancy in the Board, the continuing Trustees may act as if no vacancy had occurred.

The Board to meet and arrange for transaction of business as they think fit.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings and generally with respect to the transaction of business, as they think fit, subject to the following provisions (namely) :—

There must be an ordinary meeting once a month, or

(*a*) an ordinary meeting shall be held once at least in every month;

a special meeting whenever necessary.

(*b*) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

Eight Trustees shall form a quorum.

(*c*) no business shall be transacted at any meeting unless at least eight Trustees are present from the beginning to the end of such meeting;

Chairman, if present, to preside at every meeting.

(*d*) every meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting;

(*e*) all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes; All questions must be decided by a majority of votes.

(*f*) if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President; Poll may be demanded.

(*g*) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours. Minutes must be kept.

(*3*) The Board may from time to time appoint Committees consisting of the Chairman and such other Trustees as they think fit; and may— The Board may delegate power to Committees.

(*a*) refer to such Committees for inquiry and report any subject relating to the purposes of this Act,

(*b*) delegate to such Committees by a specific resolution in this behalf, and subject to any by-laws made under clause (*a*) of section 94(*i*), any of their powers or duties.

Any Committee so appointed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time alter the constitution of any Committee so appointed or rescind any such appointment. The Chairman shall be the President of every such Committee: Chairman to be President of every Committee.

(*4*) Committees may meet and adjourn as they think proper, but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee. Committees when to meet.

(*5*) Every Committee meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting. Chairman, if present, to preside at every meeting of Committee.

(*6*) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the President of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of Questions in Committee to be decided by majority of votes: two-thirds of the

members to form a quorum.

the members of the Committee are present from the beginning to the end thereof.

Acts of the Board, etc., not to be invalidated by informalities.

(7) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

Mode of executing contracts when the value is not more than Rs. 1,000.

19. (1) The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

When the value is more than Rs. 1,000.

(2) Every other contract and agreement on behalf of the Board shall require the previous approval of the Board, shall be in writing, and shall be signed by the Chairman [1] * * *, and sealed with the common seal of the Board as hereinafter provided. No contract or agreement referred to in this sub-section, unless executed as herein provided, shall be binding on the Board.

Custody and use of common seal.

(3) The common seal of the Board, which shall remain in the custody of the Secretary of the Board, shall not be affixed to any contract or other instrument except in the presence of two Trustees, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said Trustees shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Signature of Chairman on coupons of debentures may be impressed, etc.

[2] [**19A.** Notwithstanding anything contained in the last preceding section, the signature of the Chairman may be engraved, lithographed or impressed by any mechanical process on the coupons attached to debentures issued under this Act, and such signatures so engraved, lithographed or impressed shall be as valid as if the same had been subscribed in the proper handwriting of the said Chairman.]

The Board may compromise claims by or against them.

20. The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

---

[1] The words "and two other Trustees" were repealed by s. 2 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*.

[2] Section 19A was inserted by s. 3 *ibid*.

The Chairman.

21. The Chairman shall— Duties of Chairman.

(*1*) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(*2*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, to the extent specified in section 92 (*1*), dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;

(*3*) furnish to Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

22. (*1*) Leave of absence may be granted from time to time to the Chairman by Government. Leave of absence of Chairman.

(*2*) The allowance (if any) to be paid to the Chairman whilst so absent on leave shall be of such amount, not exceeding the amount of the salary of the Chairman, as shall be fixed by Government: provided that if the Chairman is a Government officer, the amount of the allowance shall be such as he may be entitled to under [1][any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service]. Allowance of Chairman while absent on leave.

(*3*) During any absence of the Chairman Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the person for whom he is appointed to act and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable and shall receive such monthly salary within the limit prescribed in section 16 as Government shall determine. Appointment and salary of Acting Chairman.

[2][(*4*) If the Chairman is a Government servant, the Board shall be liable to pay such contribution for his leave and pension as may be prescribed in any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service and shall not be liable to pay his leave allowances or pension otherwise than as may be prescribed in such orders.] Leave allowance and pension of Chairman.

---

[1] These words were substituted for the words "the Civil Service Regulations" by s. 4 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sub-section (*4*) was inserted by *ibid.*

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

23. When an official representation as hereinafter mentioned is made to the Board that within certain limits in any part of the City either—

(*1*) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or

(*2*) the narrowness, closeness and bad arrangement or the bad condition, of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings;

and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, the Board shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area. [1][But the Board shall be at liberty to postpone making a scheme for the improvement of such area until such time as they may deem expedient, if they are satisfied for reasons to be recorded by them that it is inexpedient forthwith to proceed to make a scheme for the improvement of such area]:

Provided that any number of such areas may be included in one improvement scheme:

Provided also that for the purposes of section 26 the Board may cause surveys to be made in areas outside the limits of the area comprised in a scheme.

---

[1] These words were inserted by s. 5 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[1] [**23A.** (*1*) When an official representation as hereinafter mentioned has been made to the Board and the Board have been satisfied as to the truth of such representation and of the sufficiency of their resources, but have decided for reasons to be recorded by them that it is inexpedient forthwith to proceed to make a scheme for the improvement of the area indicated in such representation, and when an official reference as hereinafter mentioned is made to Government complaining of such decision, Government shall take such reference into consideration and, if they consider that it is expedient under all the circumstances that a scheme for the improvement of such area should forthwith be made, shall direct the Board forthwith to proceed to make such a scheme and the Board shall comply with such direction. Government on official reference to direct Board to make an improvement scheme,

(*2*) When an official representation as hereinafter mentioned has been made to the Board and the Board have failed for a period of twelve months after the receipt of such representation to pass any decision thereon, and when an official reference, as hereinafter mentioned, is made to Government complaining of such failure, Government shall take such reference into consideration and, if they consider that the Board ought under all the circumstances to have passed a decision on such representation within that period, shall fix such further time as may appear to Government reasonable within which the Board shall pass a decision thereon and shall direct the Board to pass a decision thereon within that time and the Board shall comply with such direction.] or to pass decision on official representation.

24. (*1*) An official representation for the purposes of this Act shall mean a representation made to the Board by the Commissioner. Official representation to be made by the Commissioner.

(*2*) Such representation may be made by the Commissioner of his own motion, and shall be made by the Commissioner—

(*a*) on a resolution being passed by the Corporation in that behalf ;

(*b*) on the written complaint of the Municipal Executive Health Officer ;

(*c*) on the written complaint signed by three or more Justices residing within the ward comprising the area in respect of which the complaint is made ;

(*d*) on the written complaint signed by twelve or more persons liable to pay any property tax leviable under the Municipal Act and residing within the ward comprising the area in respect of which the complaint is made.

---

[1] Section 23A was inserted by s. 6 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

Definition of official reference.

[1][**24A.**(*1*) An official reference for the purposes of this Act shall mean a reference made to Government by the Commissioner.

(*2*) Such reference may be made by the Commissioner of his own motion, and shall be made by the Commissioner on a resolution being passed by the Corporation in that behalf.]

Particulars to be provided for in an improvement scheme.

25. The improvement scheme, which may exclude any part of the area in respect of which an official representation is made, or include any neighbouring land, if the Board are of opinion that such exclusion or inclusion is expedient,—

(*1*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or effected by the execution of the scheme,

(*b*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets,

(*c*) draining and lighting streets so formed or altered;

(*2*) may, within the limits aforesaid, provide for—

(*a*) raising any land which the Board may deem expedient to raise for the better drainage of the locality,

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area,

(*c*) the whole or any part of the sanitary arrangements required; and

(*3*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

Considerations which shall prevail in making the scheme.

26. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement or street schemes being required for the neighbouring and other parts of the City.

Procedure on completion of the scheme.

27. (*1*) Upon the completion of an improvement scheme the Board shall draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying

[1] Section 24A was inserted by s. 7 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

the land proposed to be acquired, may be seen at all reasonable hours; and shall—

(*a*) communicate a copy of such notification to the President of the Corporation, who shall, within [1] [three months] from the date of receipt thereof, forward to the Board, for transmission to Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme; Copy of notification of the scheme to be communicated to the President of the Corporation.

(*b*) during three consecutive weeks publish simultaneously in the Bombay Government Gazette and in some one or more and the same English and some two or more and the same vernacular newspapers circulating within the City, a copy of the said notification. Publication of notification.

(2) During the thirty days next following the first day on which such notification is published, the Board shall serve a notice on every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under the Municipal Act on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents the reasons of such dissent, within thirty days from the date of service of the notice. Service of notices on owners of property to be acquired in executing the scheme.

(3) Such notice shall be signed by, or by the order of, the Chairman, and shall be served— Notices how to be served.

(*a*) by delivery of the same personally to the person required to be served or, if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or

(*b*) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or

(*c*) by post addressed to the usual or last known place of abode or business of such person.

[2] [**27A.** If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 27, and if the owner of such land shall prove to the satisfaction Right of owner to demand acquisition on issue of

[1] These words were substituted for the words "thirty days" by s. 8 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Section 27A was inserted by s. 9 *ibid.*

notification when building operations are in progress.

of the Collector that at the date of the said notification building operations were in progress on such land or on any part thereof and the building was structurally complete up to the first floor level, the Collector shall proceed forthwith with the acquisition of such land or such part thereof, as the case may be, with a view to its transference to the Board as if a declaration had been made under section 6 of the [1] Land Acquisition Act, 1894.] I of 1894.

Right of owner to demand acquisition or withdrawal by the Board after the lapse of one year from the date of the notification.

[2] [**27B.** (*1*) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 27 may, at any time before the publication of a declaration under section 29 and after the expiry of one year from the date of such notification by written notice setting out the particulars of such land, call upon the Board to acquire such land.

(*2*) On receipt of such notice the Board shall either decide to acquire the land set out in the notice or shall give written notice to the owner that they have withdrawn from the proposal to acquire, as the case may be.

(*3*) If the Board decide to acquire the land they shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the [1] Land Acquisition Act, 1894. I of 1894.

(*4*) If the Board withdraw from the proposal to acquire any land under sub-section (*2*) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 27 until the expiry of two years from the date of the issue of written notice to the owner.]

The Board after publication and service of notices to forward the scheme to Government for sanction.

28. (*1*) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme the Board shall, after consideration of any representation or answer received under section 27, and after inserting in the scheme such modifications as they may think fit, apply to Government for sanction to the scheme.

Particulars to accompany the application for sanction.

(*2*) The application for sanction shall, save in the case provided for in sub-section (*3*), be accompanied by—

(*a*) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(*b*) complete plans and estimates of the cost of executing the scheme ;

---

[1] General Acts, Vol. IV.

[2] Section 27B was inserted by s. 9 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

(*c*) a statement specifying the land proposed to be acquired ;

(*d*) any representation received under sub-section (*1*) of section 27 ;

(*e*) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (*2*) of section 27 dissented, with the reasons (if any) stated by such persons for dissent, in respect of the acquisition of their land ;

(*f*) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 27, of all land specified in the statement under clause (*c*) and of any other land wholly or partially situated within 80 feet from either side of any street to be formed or altered in executing the scheme.

Procedure when the scheme provides for the construction of dwellings for the poorer and working classes.

(*3*) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of section 27, forthwith submit to Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of section 29 shall, with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

On receipt of sanction, declaration to be published giving particulars of land to be acquired, and on publication of such declaration the Board to proceed to execute the scheme.

29. (*1*) (*a*) On receipt of the sanction of Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

(*b*) The declaration shall be published in the Bombay Government Gazette and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

The Board to have power to alter any part of the scheme.

(*2*) (*a*) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(*b*) If the estimated net cost of executing the scheme as altered exceeds by a greater sum than Rs. 5,000 the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under section 28 (*2*) (*f*), the provisions of sections 27 and 28 and of sub-section (*1*) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

Street Schemes.

The Board to have power to make a street scheme.

30. Whenever the Board is of opinion that for the purpose of providing building sites for the expansion of the City, or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City, it is expedient to form new or to alter existing streets in any part of the City, the Board may pass a resolution to that effect, and shall forthwith proceed to make a street scheme for such area as may seem expedient to the Board.

Particulars to be provided for in a street scheme.

31. The street scheme—

(*1*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or affected by the execution of the scheme;

(*b*) re-laying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(*c*) the draining and lighting of streets so formed or altered;

[1][(*2*) may, within the limits aforesaid, provide for—

(*a*) raising any land vested in or to be acquired by the Board which the Board may deem expedient to raise for the better drainage of the locality;

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme, or of any area occupied by buildings constructed under sub-section (*3*) of this section; and]

(*3*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes

[1] Sub-section (*2*) of s. 31 was substituted by s. 4 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*.

including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

Procedure on the completion of a scheme.

32. Upon completion of a street scheme the provisions of sections 27, [1][27A, 27B,] 28 and 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Deferred Street Schemes. [2]

The Board to have power to make a deferred street scheme.

[2] [**32A.** (*1*) (*a*) Whenever the Board are of opinion that it is expedient for any purpose mentioned in section 30 to provide for the ultimate widening of any street by altering the existing line or lines of such street to an improved line or lines to be prescribed by the Board, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved line or through which the proposed improved line would pass, the Board, if satisfied of the sufficiency of their resources, may pass a resolution to that effect, and shall forthwith proceed to make a scheme to be called a 'deferred street scheme' prescribing a line on each side of such street.

(*b*) The line so prescribed shall be called the improved line of the street.

(*c*) No person shall construct any portion of any building within the improved line of the street except with the written permission of the Board.

(*d*) The Commissioner shall, on receipt of any notice under section 337 or section 342 of the Municipal Act, in respect of any property lying within the limits of a deferred street scheme, forthwith give intimation thereof to the Board.

Particulars to be provided for in a deferred street scheme.

(*2*) The deferred street scheme shall provide for—

(*a*) the acquisition of the whole or any part of any property lying within the improved line or through which the improved line passes;

(*b*) the re-laying out of all or any such property including the construction and reconstruction of buildings and the formation and alteration of the street;

(*c*) the draining and lighting of the street so formed and altered.

(*3*) Upon completion of a deferred street scheme the provisions of sections 27, 28 and, subject to the special provisions hereinafter set out, section 29, shall with all necessary modifications be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

[1] The expression "27A, 27B," was inserted by s. 10 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] This heading and section 32A were inserted by *ibid.*

(*d*) The execution of a deferred street scheme shall be subject to the following special provisions:—

(*a*) Before proceeding to acquire any property within the limits of the scheme the Board, unless they have received intimation under clause (*c*), shall give six months' notice to the owner of their intention to acquire the property, and the provisions of section 49 (2) shall apply to the said property after the date of the said notice as if the notification under section 27 had been published on the said date.

(*b*) In such case the owner shall be entitled to receive, in addition to any compensation to which he may be otherwise entitled under this Act, a sum of fifteen *per centum* on the market value of the property at the date of the expiration of the period mentioned in clause (*a*).

(*c*) The owner of any property included in a deferred street scheme may at any time after the scheme has been sanctioned by Government give the Board intimation requiring them to acquire such property before the expiration of six months from the date of such intimation, and the Board shall acquire such property accordingly.

(*d*) Upon the scheme being sanctioned by Government and notwithstanding anything contained in the City of Bombay Municipal Act, 1888, the Commissioner shall not have power to prescribe a regular line of the street within the limits of the scheme, and any such regular line previously prescribed within such limits shall cease to be the regular line of the street notwithstanding anything in the last-mentioned Act contained.] Bom. Act III of 1888.

Poorer Classes Accommodation Schemes. [1]

Application by employer for Poorer Classes Accommodation Scheme.

[1] [**32B.** (*1*) Any person employing members of the poorer classes in the course of his business may make an application to the Board stating that he wishes to provide poorer classes' dwellings for the use of all or some of such members and desiring the Board to make a scheme for such purpose. Such person shall hereinafter be called 'the employers' which term shall include his heirs, executors, administrators, assigns and successors.

The Board may pass a resolution and make a scheme.

(2) The Board on consideration of the said application, if they are of opinion that it is expedient to provide the said poorer classes' dwellings, may pass a resolution to that effect and proceed to make a scheme for that purpose.

[1] This heading and sections 32B to 32I were inserted by s. 11 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

(3) The poorer classes accommodation scheme shall provide for— Particulars to be provided for in the scheme.

(*a*) the construction of poorer classes' dwellings—

(*i*) by the Board,

(*ii*) by the employer under the supervision of the Board and in accordance with plans and specifications prepared by the Board, and

(*b*) the letting on lease to the employer of the dwellings so constructed (hereinafter called 'the dwellings').

(4) Such scheme may provide for all matters incidental to the scheme, including the acquisition, raising, lowering or levelling of land required for the execution of the scheme and the construction of accessory dwellings of any description that may be necessary for the purposes of the scheme.]

[1] [**32C**. The poorer classes accommodation scheme may provide for the construction of the dwellings on land— Land on which dwellings may be constructed.

(*a*) acquired by the Board or vesting in the Board either absolutely or for a sufficient number of years, or

(*b*) vesting in the employer either absolutely or for a sufficient number of years:

Provided that the scheme shall not provide for the construction of dwellings on land alleged to vest in the employer until the employer has proved to the satisfaction of the Board that he has such title to the land as shall be good and sufficient for the purposes of the scheme.]

[1] [**32D**. Upon the completion of a poorer classes accommodation scheme, the provisions of sections 27, 28 and 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.] Procedure on completion of scheme.

[1] [**32E**. When such scheme provides for the construction of dwellings upon lands forming part of any of the lands specified in Schedule C or Schedule D, Government or the Corporation, as the case may be, shall, on the scheme being sanctioned, forthwith resume the land. The Board shall thereupon pay in cash to Government or to the Corporation, as the case may be, a sum equal to the market value of the land as determined by the Collector under the [2] Land Acquisition Act, 1894; and such sum shall be deemed to be part of the cost of the scheme to the Board. The land shall thereupon vest in the Board.] Procedure when dwellings are to be constructed on Schedule C or D land.

I of 1894.

[1] *See* footnote 1 on p. 34, *supra*.

[2] General Acts, Vol. IV.

Deposit and notice.

[1] [**32F.** (*1*) The construction of the dwellings shall not be commenced—

(*a*) where the land vests in or has been acquired by the Board, until the employer has deposited with the Board as security a sum equal to twenty per cent. of the estimated cost of the scheme;

(*b*) where the land vests in the employer, until the employer has submitted to the Board a proposal in writing that the land shall be transferred to the Board for the purpose of a poorer classes accommodation scheme and until the Board shall have served a notice in writing upon the employer signifying their acceptance of such proposal; provided further that if in the opinion of the Board the value of the land falls short of twenty per cent. of the estimated cost of the scheme, the shortage shall be made good by a deposit in cash or securities.

(*2*) On the service upon the employer of the notice referred to in sub-section (*1*), clause (*b*), all the estate, right, title and interest of the employer in and to the land referred to in the proposal shall forthwith vest in the Board.

(*3*) The employer shall be entitled to the gradual refund of his deposit by annual payments equal to the annual Sinking Fund Charges on all moneys spent by the Board on the scheme, which shall be calculated in the manner described in sub-section (*2*) of section 32G.]

Term of lease and amount of rent.

[1] [**32G.** (*1*) The Board shall then proceed with the scheme and on completion of the buildings shall lease the same with the site to the employer for a term [2] [not less than 28 years and not more than 50 years as may be agreed upon by the Board and the employer].

(*2*) The lessee shall during the said term pay to the Board as annual rent a sum equal to the total of—

(*a*) the annual interest payable by the Board on all moneys which they have spent on the scheme, and

(*b*) Sinking Fund Charges so calculated that at the end of the term of the lease the aggregate in the Sinking Fund shall amount to the total sum spent on the scheme.

Such total sum shall include—

(*i*) all moneys spent on Interest and Sinking Fund Charges up to the date of the commencement of the lease,

(*ii*) if and so far as the land included in the scheme has not been provided by the employer, the cost of such land,

---

[1] *See* foot-note 1 on page 34 *supra*.

[2] These words were substituted for the words "of 28 years" by s. 3 of the City of Bombay Municipal and Improvement (Amendment) Act, 1920 (Bom. Act 20 of 1920), Vol. V of this Code.

(*iii*) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the lease.

(*3*) The cost of such land for the purposes of this section shall be deemed to be—

(*a*) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition ;

(*b*) if and so far as the land is vested in the Board as being part of the lands specified in Schedule C or Schedule D, the sum paid by the Board under [1][section 32E] ;

(*c*) in all other cases the market value of the land at the date of the declaration of the scheme.]

[2][**32H.** (*1*) Every lease under a poorer-classes accommodation scheme shall commence from such date subsequent to the completion of the dwellings as may be fixed by the Board. Provisions as to lease.

(*2*) The following conditions shall be expressed or implied in every lease, namely :—

(*a*) that the lessee shall be liable for repairs and insurance ;

(*b*) that the lessee shall be liable for the payment of all rates and taxes ;

(*c*) that the lessee shall sub-let the dwellings (except such portions thereof as contain shops, care-takers' quarters and the like) only to persons employed by him in the course of his business or their families except in so far as there may not be sufficient numbers of such persons willing to occupy the dwellings and in any case only to members of the poorer classes ;

(*d*) that the lessee shall not demand or receive in respect of any room or tenement in the dwellings any rent in excess of the amount fixed as next hereinafter provided ;

(*e*) that the maximum rent of each room or tenement in the dwellings (except such portions thereof as contain shops and the like as hereinbefore set out) shall be fixed by the Board after consulting the lessee and that such maximum rent shall be written or painted up by the lessee in a conspicuous position in each such room or tenement. Such maximum rent shall not be subject to alteration save with the consent of the Board.]

[2][**32I.** (*1*) (*a*) On default being made by the lessee in any of the conditions of the lease, all the right, title and interest of the employer to the Default and determination of lease.

[1] This word, figures and letter were substituted for the word, figures and letter "section 32C" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[2] *See* foot-note 1 on page 34, *supra*.

dwellings and in and to the land on which the dwellings are constructed and any deposit or other moneys paid by the employer to the Board whether before or after the commencement of the lease shall be dealt with in the following manner:—

(*i*) The deposit by the employer shall be credited to the Board, and

(*ii*) The Board shall put the said right, title and interest of the employer to auction.

(*b*) The Board shall then have the option either of transferring the right, title and interest to the highest bidder at the auction or of themselves taking over the right, title and interest on payment to the employer of the highest sum bid at the auction.

(*c*) If no sum is bid at the auction but some person is willing to take over the right, title and interest, on receiving payment of any sum, the Board shall have the option either of making such payment and transferring the right, title and interest to that person or of themselves taking it over. The Board shall be entitled to recover the sum in question from the defaulting lessee for non-fulfilment of the contract.

(*d*) If no sum is bid at the auction but some person is willing to take over the right, title and interest without either paying or receiving payment of any sum, the Board shall have the option either of transferring the right, title and interest to that person or of themselves taking it over without either receipt or payment of any sum.

(*2*) Where no default is made in the conditions of the lease, then on the determination of the lease all the right, title and interest of the Board in and to the dwellings and in and to the land on which the dwellings are constructed shall vest in the employer free from all liabilities created by this Act.]

Reclamation Schemes.

The Board to have power to make a reclamation scheme.

33. Whenever the Board is of opinion that it is expedient for the purposes of this Act to reclaim any area within the limits specified in Schedule E, the Board may pass a resolution that it is expedient to reclaim such area as aforesaid, and shall forthwith forward a map showing the area proposed to be reclaimed to Government [1] * * * *, who shall determine, with reference to the site of any battery and the arcs of fire of the guns thereof, the limits within which no building shall be erected within such area.

[1] The words "for transmission to the Government of India" were repealed by s. 2. and Sch. I of the Devolution Act, 1920 (38 of 1920).

Upon receipt of the orders of [1] [Government] the Board shall proceed to make a reclamation scheme, which shall conform with such orders, in respect of such area.

Particulars to be provided for in a reclamation scheme.

34. (*1*) The reclamation scheme shall provide for—

(*a*) enclosing and filling in such part of the foreshore as shall be necessary to reclaim the area comprised in the scheme ;

(*b*) laying out all or any land reclaimed within the area, including the formation of streets ;

(*c*) draining and lighting streets so formed ;

(*d*) the whole or any part of the sanitary arrangements required.

(*2*) If in respect of any reclamation at Colaba any part of the area is situate to the west of any land in military occupation, particulars of the scheme shall be submitted to Government, who shall determine—

(*a*) what, if any, portion of the area to be reclaimed will be required to be taken possession of for a military purpose under the provisions of section 61 (*3*) ;

(*b*) with reference to the sanitary requirements of the troops, the conditions on which buildings may be erected on any part of the said area,

and the scheme shall conform with such orders.

Procedure on completion of a scheme.

35. Upon the completion of a reclamation scheme the Board shall draw up a notification stating the fact of a scheme having been made, the limits of the areas comprised therein, and naming a place where particulars of the scheme (including full estimates of the cost and anticipated profits) and a map of the area comprised therein, may be seen at all reasonable hours, and shall—

Copy of notification of the scheme to be communicated to the President of the Corporation.

(*1*) communicate a copy of such notification to the President of the Corporation, who shall, within [2] [three months] from the date of receipt thereof, forward to the Board for transmission to Government as hereinafter provided any representation which the Corporation may think fit to make with regard to the scheme ;

Publication of notification.

(*2*) during three consecutive weeks publish a copy of the said notification in the Bombay Government Gazette.

---

[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[2] These words were substituted for the words "thirty days" by s. 12 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

The Board after publication to forward the scheme to Government for sanction.

36. (*1*) Upon compliance with the provisions of the last preceding section, the Board shall, after consideration of any representation received under the said section, and after inserting in the scheme such modifications not at variance with the orders received under sections 33 and 34 as they may think fit, apply to Government for sanction to the scheme.

(*2*) The application for sanction shall be accompanied by—

(*a*) a description with full particulars of the scheme, including the reasons for any modifications inserted therein ;

(*b*) complete plans and estimates of the cost of executing the scheme ;

(*c*) full estimates of the anticipated profits of the scheme ;

(*d*) any representations received under section 35.

(*3*) On receipt of the sanction of Government the Board shall proceed to execute the scheme.

Government not liable for loss due to enforcement of any order issued under section 33 or 34.

37. No person shall be entitled to any compensation from, and no suit for compensation shall lie against, [1] * * * * Government in respect of any loss or damage to the interest, immediate or prospective, of any person, due to the enforcement of any order or prohibition issued under section 33 or 34.

Police Accommodation Schemes.

The Board to have power to make a Police accommodation scheme.

38. (*1*) When a representation is made by Government to the Board that within any part of the City accommodation is required for housing any part of the Police of the City, the Board shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall forthwith proceed to make a Police accommodation scheme.

Particulars to be provided for in a Police accommodation scheme.

(*2*) The Police accommodation scheme may provide for constructing dwellings and accessory buildings (including stables for horses) for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

Procedure on the completion of a scheme.

39. Upon completion of a Police accommodation scheme, the provisions of sections 27, 28 and 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

---

[1] The words " either the Government of India or " were repealed by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[1] [**40.** (*1*) When such scheme is sanctioned by Government, in the case of land specified in Schedule C or Schedule D or land reclaimed within the limits specified in Schedule E, Government or the Corporation, as the case may be, shall resume the land. Vesting land in Board.

In the case of land specified in Schedule C or land reclaimed within the limits specified in Schedule E the land shall thereupon vest in the Board.

In the case of land specified in Schedule D the Board shall pay to the Corporation the market value of the land as on the date of resumption as aforesaid, as determined by the Collector under the [2]Land Acquisition Act, 1894. The land shall thereupon vest in the Board.

I of 1894.

(*2*) The Board shall then proceed to execute the Police Accommodation Scheme. Execution of Scheme.

(*3*) Any building constructed under this section shall with the site be leased to Government for police purposes on a repairing lease for a term of sixty years from the date of the completion of the building, and Government shall during the period of such lease pay yearly to the Board by way of rent a sum equal to the total of— Terms of lease to Government.

(*a*) the annual interest payable by the Board on all moneys which they have spent on the scheme, and

(*b*) Sinking Fund Charges so calculated that at the end of the term of the lease the aggregate in the Sinking Fund shall amount to the total sum spent on the scheme.

Such total sum shall include—

(*i*) all moneys spent on Interest and Sinking Fund Charges up to the date of the commencement of the lease;

(*ii*) if and so far as the land included in the scheme is not part of the land specified in Schedule C or reclaimed within the limits specified in Schedule E, the cost of such land;

(*iii*) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the lease.

(*4*) The cost of such land for the purposes of this section shall be deemed to be— "The cost of land" defined.

(*a*) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition,

(*b*) if and so far as the land is vested in the Board as being part of the lands specified in Schedule D, the sum paid by the Board to the Corporation under sub-section (*1*),

---

[1] Section 40 was substituted by s. 13 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] General Acts, Vol. IV.

(*c*) in all other cases, the market value of the land at the date of the declaration of the scheme.

Land finally to vest in His Majesty.

(5) On the expiration of the lease the building and the land forming the site thereof shall vest absolutely in His Majesty.]

Vesting of Streets, etc. [1]

Municipal street required for scheme and vacant Municipal land required for street to be vested in the Board.

[1][**41.** (*1*) Whenever under any scheme of the Board the whole or any part of an existing public street vested in the Corporation is required for the purpose of such scheme, or whenever the whole or any part of any vacant land vested in the Corporation is required to be included in the site of any street to be formed or altered by the Board under such scheme, the Board shall give notice to the Commissioner, which notice shall be signed by the Chairman and put up in or near so much of such existing street or vacant land as is required by the Board, that the whole or a part, as the case may be, of such existing street or vacant land (hereinafter called the "part required") is required by them as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (2) of section 45, be vested in the Board free of all rights and encumbrances: Provided that nothing in this section contained shall be deemed to affect the rights or powers of any Municipal authority, under Chapters IX and X respectively of the [2]Municipal Act, in or over any Municipal drain or water-work: Bom. Act III of 1888.

Provided further that—

(*i*) the Board shall not take over the part required until three months have elapsed after the publication on or near the part required of a notice to the effect that the said part is required by the Board and until the objections, if any, made in writing to the proposal and received before the date prescribed in this behalf in the notice have been considered;

(*ii*) unless the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents in the neighbourhood, the Board shall provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the part required and shall pay such compensation for loss of or damage to any private rights occasioned by the closing of the part required as may appear reasonable after taking into consideration such other means of access, and shall pass a resolution in such behalf and communicate it to the party concerned.

---

[1] This heading and section 41 were substituted for the original heading and section by s. 14 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] Vol. III of this Code.

(2) If any question or dispute arises between the Board and any person entitled to use the part required otherwise than as a mere licensee as to whether the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents in the neighbourhood, or whether the other means of access substituted, or proposed to be substituted, or whether the compensation paid or proposed to be paid, by the Board under the provisos to sub-section (1) are reasonably sufficient, it shall be determined by the Collector: Questions arising under the provisos to sub-section (1) to be determined by the Collector.

Provided that such question or dispute shall be referred to the Collector for determination within three months of the communication of the resolution of the Board, upon which such question or dispute has arisen. Otherwise the decision embodied in such resolution of the Board shall be final.

(3) An appeal shall lie from any determination of the Collector under this section to the Tribunal constituted under section 48.]

[1] [**41A.** In respect of any such part required which is or forms part of land acquired by the Corporation subsequently to the 9th November, 1898, under the provisions of section 298 of the [2] Municipal Act, the Board shall pay to the Corporation the actual cost incurred by the Corporation in acquiring such land, or such portion thereof as shall bear to the whole actual cost so incurred the same proportion that the area of the part required bears to the whole area of the land so acquired.] Cost of acquiring such land when to be repaid to the Corporation.

Bom. Act III of 1888.

42. The provisions of sections 289 to 329 (both inclusive) of the [2] Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and for the purposes of this Act, the several Municipal authorities referred to in any of the said sections of the said Act shall respectively mean the Board who, in respect of any streets or parts of streets so vested, may alone exercise and perform all or any of the powers and functions which by any of the said sections might have been exercised or performed by any Municipal authority either with or without the sanction, authority or approval of any other Municipal authority. The expression "Municipal officer or servant" occurring in any of the said sections of the said Act shall mean officer or servant of the Board. The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities in regard to public and private streets.

Bom. Act III of 1888.

---

[1] Section 41A was inserted by s. 5 of the City of Bombay Improvement (Amendment) Act, 1901 (Bom. Act 4 of 1901) *infra*.

[2] Vol. III of this Code.

Powers and liability of the Board as to gas pipes in land vested in the Board.

43. The provisions of section 334 of the [1]Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to any streets or parts thereof which may become vested in the Board under this Act, during such periods as the same may respectively remain so vested, and, for the purposes of this Act, the expression "Commissioner" occurring in the said section of the Municipal Act shall mean the Board, who, during such periods as aforesaid, shall alone exercise and perform all or any of the powers and functions which might, under the said section of the said Act, have been exercised or performed by the Commissioner; and the expression "Municipal fund" shall mean the funds of the Board. Bom. Act III of 1888.

The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities by the Bombay Tramways Act, 1874.

44. The provisions of sections 3, 4, 10, 11, 12, 13, 14, 15, 27, 28 and 29 of the [2]Bombay Tramways Act, 1874, shall, so far as may be consistent with the tenour of this Act, apply to public streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and, for the purposes of this Act, the expressions "Municipal Commissioner," "Commissioner" and "Corporation" occurring in any of the said sections of the said Act shall mean respectively the Board, and the expressions "Executive Engineer of the said Corporation" and "Executive Engineer" shall mean respectively the Engineer of the Board. Bom. Act III of 1874.

Minimum width of new streets.

45. (*1*) No new street, if made for carriage traffic, shall be less than 40 feet in width, nor, if made for foot traffic only, shall be less than 20 feet in width:

Proviso in case of garden or open spaces being reserved on one or both sides of a street.

Provided that where in an improvement or street or reclamation scheme or otherwise, wherever continuously for the whole length of a street provision is made for garden or open space on one or both sides of such street on such terms as to preclude such space being built over when the total space between the buildings on opposite sides of the street, including such garden or open space, is not less than 40 feet, the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

Streets on completion to vest in and be maintained by the Corporation.

(*2*) The Commissioner shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by Government and that such lamps, lamp posts and other apparatus as are in his opinion necessary for the lighting thereof and should be provided by the

[1] Vol. III of this Code.
[2] Vol. II of this Code.

Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be, in the Corporation, and the Corporation shall thenceforward maintain, keep in repair, light and cleanse such street.

[1][(*2A*) Service passages for sanitary purposes need not be more and usually shall not be less than 10 feet in width, and, in the case of such passages, the Board may enter into an agreement with the Commissioner or any other person as to the supervision, repair, lighting and general management thereof, but such service passages shall not be considered to be streets for the purposes of this Act.] Service passages.

(*3*) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any scheme sanctioned under this chapter shall be transferred, on completion, to the Commissioner for maintenance at the expense of the Corporation, and shall thereupon vest in the Corporation: Provided that the Commissioner may, if necessary, require the Board, previous to the said transfer, to enclose, and, if necessary, provide lamps or other apparatus for lighting any such open space. Open spaces reserved for ventilation to vest in and be maintained by the Corporation.

(*4*) Any dispute which arises between the Board and the Commissioner in respect of any of the provisions of this section shall be determined by Government, whose decision shall be final. Disputes under this section to be determined by Government.

Acquisition of Land.

46. Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any land or of any interest in land needed by the Board for the purposes of this Act, or with the owners of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land, or for compensating the owners of any such right in respect or any deprivation thereof or interference therewith. The Board to have power to acquire land by agreement.

of 1894. **47.** Notwithstanding anything contained in the [2]Land Acquisition Act, 1894 (in this and the next succeeding section referred to as "the said Act"), the said Act shall not, except to the extent set forth in Schedule A, apply to the acquisition of land under this Act, but the said Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

[1] Sub-section (*2A*) was inserted by s. 15 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] General Acts, Vol. IV.

of this chapter in the same manner as if enacted in the body hereof, subject to the provisions of this chapter and to the provisions following (namely) :—

(*1*) A reference to any section of the said Act shall be deemed to be a reference to such section, as modified by the provisions of this chapter, and the expression "land," as used in the said Act, shall, in addition to the meaning included therein under clause (*a*) of section 3 of the said Act, be deemed, for the purposes of this Act, to include rights created by legislative enactment over any street ; [1] [and clause (*b*) of section 3 of the said Act shall, for the purposes of this Act, be read as if the words and parentheses "(including the Crown)" were inserted after the words "includes all persons," and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land"] ;

(*2*) in the construction of sub-section (*2*) of section 4 of the said Act and the provisions of this chapter, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under section [2][23, 30, 32B, or 38], and the expression "Local Government" shall be deemed to include the Board, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution ;

(*3*) In the construction of the sections of the said Act deemed to form part of this chapter and the provisions of this chapter, the publication of a declaration under section [3][29, 32, 32D or 39] shall be deemed to be the publication of a declaration under section 6 of the said Act :

[4][Provided that where land is acquired under section 27A or sub-section (*2*) of section 27B the date of the notification

---

[1] These words were substituted for the words "and clause (*b*) of section 3 of the said Act shall, for the purposes of this Act, be read as if the words 'or if he is the owner of any right created by legislative enactment over any street forming part of the land' were added after the words 'affecting the land'" by s. 2 of the City of Bombay Improvement (Amendment) Act, 1908 (Bom. Act 2 of 1908), *infra*.

[2] This expression was substituted for the original expression "25, 30 or 38" by s. 16 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[3] This expression was substituted for the original expression "29, 32 or 39" by *ibid.*

[4] This proviso was added to sub-section (*3*) by *ibid.*

under section 27 or the date of the receipt by the Board of the written notice as the case may be shall be deemed to be the date of publication of a declaration under section 6 of the said Act :]

[1][Provided further that the provisions of sub-section (2) of section 23 of the said Act shall apply when land, other than land forming part of any sanctioned scheme prepared in accordance with the provisions of sections 23 and 30, is acquired specifically under this Act for the purpose either of a police accommodation scheme or of a poorer classes accommodation scheme.]

(4) In the construction of section 50, sub-section (2), of the said Act and the provisions of this chapter the Board shall be deemed to be the local authority or company concerned.

A Tribunal of Appeal to be appointed to perform the functions of the Court.

48. (1) For the purposes of this chapter a Tribunal of Appeal (hereinafter called the Tribunal) shall be constituted as hereinafter mentioned to perform the functions of the Court under the said Act, and, in the construction of the said Act and the provisions of this chapter, the Tribunal shall be deemed to be the Court, and the award of the Tribunal, or, in the event of disagreement, the award of the majority of the Tribunal, shall be deemed to be the award of the Court, and shall, subject to the provisions for appeal hereinafter contained, be final, and the President of the Tribunal shall be deemed to be the Judge.

[2][(2) The decision of all questions of law and procedure and costs and apportionment of compensation shall rest solely with the President; and any such question may be tried and decided in the absence of the assessors if in the opinion of the President their presence is unnecessary; and when any such question is so tried and decided the decision of the President shall be deemed to be the decision of the Tribunal.]

Constitution of the Tribunal.

(3) Such Tribunal shall consist of three members, that is to say, of a President and two assessors. The President and one of the assessors shall be appointed by Government by notification in the Bombay Government Gazette; the other assessor shall be appointed by the Corporation: Provided that any person who is a Trustee under this Act, or, who, by reason of the provisions of

---

[1] This proviso was added to sub-section (3) by s. 16 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] This sub-section was substituted by s. 17 *ibid.*

section 14, is disqualified to be a Trustee, shall be disqualified to be a member of the Tribunal.

Selection of President.

[1] [(*4*) The President shall be either –

(*a*) a member of the Judicial Branch of the Imperial or Provincial Civil Service of not less than ten years' standing, who shall have served as District Judge, or held judicial office not inferior to that of a First Class Subordinate Judge, for at least three years of that period ; or

(*b*) a Barrister, Advocate or Pleader of not less than eight years' standing who has practised as an Advocate or Pleader in the Bombay High Court.]

Duration of office.

(*5*) Members of the Tribunal shall be appointed for a term of one year and any such member shall be eligible for re-appointment.

Removal of members.

(*6*) It shall be lawful for Government, if they think fit, to remove for inability, or misbehaviour, or other good and sufficient cause, any member of the Tribunal.

Vacancies to be supplied.

(*7*) Upon the occurrence of any vacancy in the Tribunal or during the temporary absence through illness or other unavoidable cause of any member thereof, Government or the Corporation (as the case may be), whichever of them shall have appointed the member of the Tribunal whose place shall be vacated, shall appoint forthwith a fit person to be a member (either temporary or permanent) of the Tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.

Remuneration of members.

(*8*) Each member of the Tribunal shall be entitled to such remuneration, either by way of monthly salary or by way of fees, or partly in one way and partly in the other, as Government may from time to time fix.

Expenses of the Tribunal to be paid by the Board.

(*9*) The remuneration mentioned in sub-section (*8*) and the cost of any special clerical or other establishments which shall be necessary shall be paid by the Board.

---

[1] Sub-section (*4*) was substituted by s. 6 of the City of Bombay Improvement (Amendment) Act, 1901 (Bom. Act 4 of 1901) *infra*.

(*10*) Any award or order of the Tribunal shall be enforced by the Small Cause Court as if it had been a decree or order of that Court. Enforcement of the decision of the Tribunal.

(*11*) In any case in which the President may grant a certificate that the case is a fit one for appeal, there shall be an appeal to the High Court from the award or any part of the award of the Tribunal. Appeal to the High Court from the decision of the Tribunal in certain cases.

(*12*) Subject to the sanction of Government, the President of the Tribunal shall have power— Power of President to make appointments and rules with the sanction of Government.

(*a*) to appoint such clerks and other officers or servants as may be necessary for carrying on the business of the Tribunal and to fix their salaries, which shall be paid accordingly by the Board; and

(*b*) to make rules for the conduct of the business of the Tribunal, provided that such rules are not repugnant to the provisions of the [1]Code of Civil Procedure; and such rules shall come into force on receiving the sanction of Government.

V of 1908.

[2][(*13*) The Tribunal shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means and (so far as may be) in the same manner, as is provided in case of a Civil Court under the [1]Code of Civil Procedure.] Powers of the Tribunal

V of 1908.

49. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:— Special provisions as to compensation.

(*1*) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building;

(*2*) When any addition to, or improvement of, the land or building has been made after the date of the publication under section 27, 32, or 39 of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said

---

[1] General Acts, Vol. VI.

[2] Sub-section (*13*) was added by s. 17 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building;

(*3*) In estimating the market value of the building at the date of the publication of a declaration relating thereto under section 29, 32, or 39, the Court shall have due regard to the nature and the condition of the property and the probable duration of the building in its existing state and to the state of repair thereof and to the provisions of sub-sections (*4*), (*5*) and (*6*) of this section;

(*4*) When the owner of the land or building has, after the passing of this Act, and within twenty-four months preceding the date of the publication of a notification relating to the land or building under section 27, 32, or 39, made a return under section 155 of the [1]Municipal Act of the rent of the land or building, the rent of the land or building shall not in any such case, save as the Court may otherwise direct, be deemed to be greater than the rent shown in the latest return so made:- Provided that where any addition to or improvement of the land or building has been made after the date of such latest return and previous to the date of the publication of a notification under section 27, 32, or 39, relating to the land or building, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement;

Bom. Act III of 1888.

(*5*) If in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

(*6*) If in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after being put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair;

[1] Vol. III of this Code.

(7) If in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials, less the costs of demolition.

Collector to take possession after making award and transfer land to the Board.

[1] [**50**. When the Collector has made an award under section 11 of the I of 1894. [2]Land Acquisition Act, 1894, as applied by this chapter, he may take possession of the land which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Board, and the land shall thereupon vest in the Board subject to the Board's liability to pay any further costs which may be incurred on account of the acquisition of the land.]

Resumption of lands from the Board.

Compensation to Board on land resumed.

[3] [**51**. Whenever any land specified in Schedule C or Schedule D is resumed by Government or the Corporation, respectively, or any land reclaimed within the limits specified in Schedule E is taken possession of by Government, under the provisions of this Act, the market value of the land as at the date of resumption, as determined by the Collector, or, in appeal, by the Tribunal, shall be paid to the Board by Government or by the Corporation as the case may be.]

Definition of term 'Cost of Reclamation'.

[4] [**51A**. For the purposes of the last preceding section the 'cost of effecting the reclamation' shall be deemed to mean the total cost of executing the scheme in which the area is comprised, including the cost of preliminary expenses and an allowance for supervision and interest and sinking fund charges during construction, which shall be calculated up to the date of the completion of the scheme.]

---

[1] Section 50 was substituted by s. 3 of the City of Bombay Improvement (Amendment) Act, 1908 (Bom. Act 2 of 1908), *infra*.

[2] General Acts, Vol. IV.

[3] Section 51 was substituted by s. 18 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[4] Section 51A was inserted by s. 19 *ibid.*

CHAPTER IV.

BORROWING POWERS.

Power to borrow from the Secretary of State for India in Council or other persons.

52. The Board may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or, with the previous sanction of [1] [Government] from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, inclusive of any debit balance which shall be chargeable to Capital under section 79 :

[2] [Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be raised by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India.]

Government to direct manner in which money shall be borrowed from other persons.

53. Whenever the sanction of [1] [Government] has been obtained to the raising of money by the Board from any person other than the Secretary of State for India in Council [3] * * *, Government shall [4] [subject to the provisions of the last preceding section,] direct and appoint the manner in which [5] [and the time at which] such money shall be raised.

54. [*Interest on debenture loans to form charge prior to interest due to the Secretary of State or Corporation.*] *Rep. by s. 21, Bom. Act I of 1913.*

Provision for sinking fund to repay money borrowed.

55. (*1*) The Board shall either pay off the money borrowed under the provisions of the preceding sections by equal yearly or half-yearly instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed within the period sanctioned.

(*2*) In respect of any sinking funds which by this Act the Board is directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Board is empowered to invest in the like securities, it shall be lawful for the Board to reserve and set apart for the purposes

---

[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[2] This proviso was added by *ibid.*

[3] The words "under the last preceding section" were omitted by *ibid.*

[4] These words were substituted for the words "with the previous consent of the Government of India" by *ibid.*

[5] These words were inserted by s. 20 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

of any such investment any debentures to be issued on account of any loan for which the sanction of [1][Government] shall have been duly obtained under section 52, provided that the intention to so reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(3) The issue of any such debentures direct to and in the name of "The Trustees for the Improvement of the City of Bombay" shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(4) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

Dates fixed for investment of sinking funds in public securities.

56. The investment every year or every half-year of any sum set apart as part of the principal of a sinking fund shall be made within fifteen days after the day on which the payment of interest is due by the Board in respect of the loan for repayment of which such sinking fund is established; and the investment of any sum received by the Board on account of interest on moneys forming part of a sinking fund already invested, shall be made within one month from the day on which such interest is received.

Period over which loans may extend.

57. Except with the previous sanction of [1][Government],—

(1) the period for the repayment of any loan shall not exceed sixty years, and.

(2) when money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned.

Form of securities.

58. (1) When money is raised by the Board on debentures, the debentures shall be in the form of Schedule B, or in such other form as the Board, with the previous consent of Government, shall from time to time determine.

(2) The holder of any debenture in the form of Schedule B, or in any form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorized.

(3) Every debenture issued by the Board shall be transferable,—

(a) if it is in the form of Schedule B, by endorsement, and

(b) if it is in any other form, in such manner as shall be therein expressed.

---

[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

(*4*) The right to sue in respect of the moneys secured by debentures issued under this section shall vest in the respective holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Payment to survivors of joint payees.

[1][**58A.** (*1*) Notwithstanding anything in section 45 of the [2]Indian Contract Act, 1872, when any debenture or security issued under the provisions of this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons. IX of 1872.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture or security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.]

Power of one or more joint holders to grant receipts.

[1][**58B.** Notwithstanding anything in section 45 of the [2]Indian Contract Act, 1872, where two or more persons are joint holders of any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of those persons.] IX of 1872.

The Board to have power to take advances from Banks to the extent of any loan sanctioned by Government and to grant mortgages.

59. Notwithstanding anything contained in section 52, the Board may take from any Bank credit on a cash account to be opened and kept with such Bank in the name of the Board to the extent of any loan sanctioned under section 52, and may, with the sanction of Government, grant mortgages, subject to the provisions of this Act, of lands and property vested or vesting in or belonging to the Board, or any part thereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with the interest thereon.

---

[1] Sections 58A and 58B were inserted by s. 22 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] General Acts, Vol. II.

CHAPTER V.

PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

60. (*1*) Immediately upon the date, which shall be notified under section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained—

Particulars of lands vested in the Board.

All the estate, right, title and interest of Her Majesty and of the Corporation respectively in and to the several lands respectively specified in Schedule C and Schedule D and shown on the deposited plans, subject, in the case of the lands specified as plot 12 in Schedule C, to the right therein reserved of temporary occupation by Government, and in the case of the lands specified as plot 18 in the said Schedule, to the right of Government therein reserved to remove the materials of certain buildings.

The Flats.

[1][(*2*) [2][(*a*) In respect of the lands referred to as the Flats, specified in Schedule C, as plots 1(*a*), 1(*b*), 1(*c*) and 1(*d*), the Board shall, subject to the power of resumption reserved by sub-section (*7*), set apart plot 1 (*a*) as an open space and may at any time lay out the said plot as a recreation ground or park for the free use of the public; and may, subject to the aforesaid power of resumption, at any time lay out the whole or any part or parts of plots 1 (*b*), 1 (*c*) and 1 (*d*) as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes.]

(*b*) The lands specified as plot 1 (*a*) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not preclude the Board from letting the said land from time to time on lease for a term not exceeding one year, or with the previous sanction of Government and on such conditions as may be approved by Government for a term not exceeding 30 years, for the purpose of a race-course or for any purpose of public recreation or amusement.

(*c*) All the lands specified as plots 1 (*c*) to 1 (*m*), both inclusive, shall vest absolutely in the Board.]

The Kennedy Sea Face.

(*3*) In respect of the lands in Schedule C, referred to as the *Kennedy Sea Face*, the Board shall, for a period of thirty years from the date which shall be notified under section 10, or for such further period during which Government may not have exercised the power of resumption as hereinafter provided, have power at any time—

(*a*) to permanently appropriate the whole or any part of the said lands as an open space, or

---

[1] Sub-section (*2*) was substituted by s. 23 of the City of Bmobay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] This clause was substituted by s. 2 of the City of Bombay Improvement (Amendment) Act, 1920 (Bom. Act 11 of 1920), Vol. V of this Code.

(*b*) with the express sanction of Government, to be previously obtained, to appropriate the whole or any part of the said lands to building purposes.

Any part of the said lands, which upon the expiration of the said period of thirty years shall not have been permanently appropriated as an open space or the appropriation whereof shall not have been sanctioned as in the last clause mentioned, may be at any time resumed by Government.

Any part of the said lands may, so long as it remains unappropriated to building purposes, be occupied by Government for any temporary purpose, subject to the provisions of any by-laws made by the Board under section 94 (*1*) (*c*).

The Cooperage Plot, the Secretariat Plot and the Marine Lines Estate.

(*4*) With respect to the lands respectively referred to in Schedule C as the Cooperage Plot [1]*, the Secretariat Plot [2] [and the Marine Lines Estate], the Board shall have power at any time, with the sanction of Government to be previously obtained, to appropriate the whole or any part of the said lands to either of the purposes mentioned in clauses (*a*) and (*b*) of the last preceding sub-section.

Any part of the said lands the appropriation of which shall not have been sanctioned in manner aforesaid may at any time be resumed by Government for any Government purpose ; and

Any part of the said lands which shall not have been appropriated to building purposes may at any time be occupied by Government for any temporary purpose subject to the provisions of any by-laws made by the Board under section 94 (*1*) (*c*).

The Board to maintain and manage lands referred to in sub-sections (*2*), (*3*) and (*4*).

(*5*) The Board shall be responsible for the maintenance and management of any area forming part of the lands referred to in sub-sections (*2*), (*3*) and (*4*), which may from time to time [3][remain unsurrendered, unappropriated to building purposes] or unresumed as aforesaid, and shall do, or cause to be done, all acts necessary for the preservation of all existing rights in and over such area and subject to the provisions of this Act; [4]* the Board shall have power to let the whole or any part of such area for any temporary purpose on sufferance lease, at such nominal or other rent as the Board may approve.

---

[1] The word "and" was omitted by s. 7 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*.

[2] These words were inserted by *ibid*.

[3] These words were substituted for the words "remain unappropriated" by s. 23 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[4] The word "and" was reported by *ibid*.

(6) The property vested in the Board under this section shall, subject to the provisions of this section, remain so vested until such time as the whole of the lands specified in Schedules C and D [1] [except those appropriated as open spaces] shall be let on a building lease by the Board, or as to any part thereof until such time as such part shall be so let, and thereafter as to the whole except as aforesaid, or any such part, for a further period, which shall be determined,— Period for which lands shall remain vested in the Board.

(*a*) where the lease granted by the Board is a non-renewable lease, upon the expiration of such lease;

(*b*) where the lease granted by the Board contains a clause for the renewal of the lease;

(*i*) when a renewed lease shall have been entered into, upon the expiration of such renewed lease;

(*ii*) when a renewed lease shall not have been entered into, upon the expiration of a period equivalent to the maximum term for which the lease granted was expressed to be renewable:

Provided that no unrenewable lease shall be granted for a period of more than 99 years, and that in no case shall the aggregate duration of the term of a renewable lease, and of the term for which such lease shall be renewed or be expressed to be renewable, exceed 99 years. Proviso as to aggregate term for which such lands may be leased by the Board.

[2] [(*6A*) It shall be lawful for the Board from time to time with the sanction of Government in the case of land specified in Schedule C, and with the sanction of the Corporation in the case of land specified in Schedule D, to take any land out of the said schedules in exchange for any freehold land, the property of the Board, which they wish to bring on to the said Schedules. An exchange made under this section shall operate to transfer the land taken out of the Schedule to the Board free from all conditions of resumption and revesting created by this Act and free from all encumbrances and to vest the land brought on to the Schedule in the Board as if it were part of the property originally entered in Schedule C or Schedule D, as the case may be, to the said Act.] Power of the Board to exchange, and effect of such exchange.

[2] [(*6B*) Without prejudice, and in addition to the powers conferred on the Board by section 63, it shall be lawful for the Board to take over and hold any other lands within the City of Bombay of which they may be, or have previous to the passing of this sub-section been, put in possession by the Power of the Board to hold other lands transferred by Government or the Corporation.

[1] These words were substituted for the words "except those appropriated to the purpose mentioned in clause (*a*) of sub-section (*3*)" by s. 23 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sub-sections (6A) and (6B) were inserted by *ibid.*

Secretary of State for India in Council or with the sanction of the Government by the Corporation, to the intent that such lands shall vest in the Board in the same manner and subject to the same conditions as if such lands, if taken over from the Secretary of State for India in Council, had originally been included in Schedule C, or, if taken over from the Corporation, had originally been included in Schedule D, and such vesting shall in every such case take effect, or, in the case of lands of which possession has been delivered previous to the passing of this sub-section, shall be deemed to have taken effect, upon delivery to the Board of possession of the land.]

Power of Government and the Corporation to resume lands required for a public purpose.

(7) Any land, other than land leased or agreed to be leased by the Board, specified in Schedule C which shall be required by Government for a public purpose, or specified in Schedule D which shall be required by the Corporation for a public purpose, may at any time, after giving six months' notice to the Board, be resumed by Government or by the Corporation, as the case may be[1] * * * *.

Power of Government to alter entries in schedules and deposited plans.

[2][(8) Government may, with the concurrence of the Municipality in the case of land specified in Schedule D, by notification in the Bombay Government Gazette from time to time add to or amend the entries in Schedule C or Schedule D so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule C or Schedule D include a notification of the whole schedule or schedules as so altered.]

Particulars of reclamation rights vested in the Board.

61. (*1*) Immediately upon the date which shall be notified under section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained, the right to reclaim the bed of the sea, the property of Her Majesty, within the limits specified in Schedule E, and all the estate, right, title, and interest of Her Majesty to and in such lands as may be reclaimed by the Board within the said limits until such time as the whole of the lands reclaimed, or as to any part thereof, until such time as such part shall be let on a building lease by the Board and thereafter as to the whole or any such part for a further period which shall be determined in the manner described in section 60 (*6*).

---

[1] The words " and the capital debt of the Board shall be reduced by an amount equal to the value of the land as determined under section 61 (*1*) " were repealed by s. 23 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sub-section (*8*) was added by s. 23 *ibid.*

(*2*) If on the expiration of a period of twenty years from the date which shall be notified under section 10, or such further period as [1][Government] may determine, the Board shall have failed to commence the reclamation of any area within the limits specified as aforesaid, the right and property vesting in the Board in respect of such area under this section shall forthwith be divested and shall revest absolutely in Her Majesty. Provision in event of the Board failing to commence reclamation.

(*5*) Any land reclaimed, other than land leased or agreed to be leased by the Board, which shall be required by Government for a public purpose, may at any time, after giving six months' notice to the Board, be taken possession of by, and shall thereupon forthwith vest in Government and Government shall pay to the Board an amount equal to [2][the market value of the land as determined under section 51]: Power of Government to take possession of any reclaimed land required for a public purpose.

[3][Provided that notwithstanding anything contained in this section Government may by arrangement with the Board carry out any reclamation within the limits specified in Schedule E and may make any agreement with the Board regarding the estate, right, title and interest of the land so reclaimed].

[4] **[62.** Upon the determination of the further period mentioned in sections 60 (*6*) and 61 (*1*), respectively, the property vested in the Board under the said sections in any part of the lands specified in Schedule C (except those appropriated as open spaces, and the plots 1 (*e*) to 1 (*m*) of the Flats), and of the lands specified in Schedule D, and of the lands reclaimed within the limits specified in Schedule E, shall be forthwith divested and such part of such lands shall vest or revest absolutely in His Majesty or in the Corporation, as the case may be.] Vesting of property in His Majesty and the Corporation respectively on the termination of leases granted by the Board.

General Powers as to Property.

63. The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the City, and shall also, subject to the provisions of this Act, have power— Power to the Board to acquire and hold property.

(*1*) to let on hire, or lease any moveable or immoveable property which may have become vested in or acquired by them ; Power to lease.

---

[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[2] These words were substituted for the words "the value of the lands as determined under section 51 (*2*) and the liability (if any) of the Board to Government under section 70 in respect of the land shall be remitted" by s. 24 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[3] This proviso was added by s. 24 *ibid.*

[4] Section 62 was substituted by s. 25 *ibid.*

Power to sell.

(2) to sell and otherwise convey any moveable or immoveable property which may have become vested in or acquired by them other than the lands specified in Schedules C and D and any lands reclaimed within the limits specified in Schedule E.

Application of proceeds of sale and exchange of property.

[1] [**64.** (*1*) The following moneys shall be applied either to meet current capital expenditure or in liquidation of the principal sum of any debt contracted by the Board under section 52, if the same or any portion of the same is at the time payable, or by way of addition to the amounts payable in respect of sinking funds under section 55 :—

(*a*) the proceeds of the sale or exchange of, or the compensation awarded under the [2] Land Acquisition Act, 1894, for the acquisition by Government of, any portion of the lands or buildings vested or vesting in the Board under this Act ; 1 of 1894.

(*b*) the proceeds of the sale or exchange of any moveable property of the Board including securities for money which have been purchased by debit to the capital account ;

(*c*) fines or premia levied on granting leases, and sums paid in composition or part composition of rent under leases.

(*2*) All other receipts shall be carried to the credit of the General Account.]

Power to apply certain lands vested in the Board to the purposes of any scheme under this Act.

65. The Board shall have power, subject to the provisions of section 60, to apply any of the lands specified in Schedules C and D or reclaimed within the limits specified in Schedule E for the purposes of any scheme under this Act.

66. [*Adjustment of value of lands so applied. Provision for appeal to the Tribunal.*] *Rep. by s. 27, Bom. Act 1 of 1913.*

Liabilities.

67. [*Particulars of capital debts due by the Board to the Secretary of State and Corporation. Provision for appeal to the Tribunal.*] *Rep. by s. 27, Bom. Act I of 1913.*

68. [*Particulars of the interest payable by the Board.*] *Rep. by s. 27, Bom. Act I of 1913.*

69. [*Capital debt due to Secretary of State to include certain expenditure incurred by Government and the preliminary expenses of the Act.*] *Rep. by s. 27, Bom. Act I of 1913.*

---

1 Section 64 was substituted by s. 26 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

2 General Acts, Vol. IV.

70. [*The Board to have free enjoyment of rents and profits from reclaimed areas for first twenty years and thereafter pay interest on market-value minus the cost of reclamation.*] *Rep. by s. 27, Bom. Act I of 1913.*

71. [*Definition of term "market-value" and "cost of reclamation" for purposes of last preceding section.*] *Rep. by s. Bom. 27, Act I of 1913.*

Provision for dissolving the Board and effects of dissolution.

[1] **[71A.** (*1*) When Government are satisfied that there is no longer any necessity for the continuance of the Board of Trustees, they may by notification in the Bombay Government Gazette, with the previous sanction of the Government of India, dissolve the Board from a date to be specified in the notification :

Provided that before making an application to the Government of India under this sub-section, Government shall obtain the opinion of the Corporation on the proposed dissolution of the Board, and, when the said application is made, the opinion of the Corporation shall be forwarded to the Government of India with the application.

(*2*) Thereupon, notwithstanding anything contained in any section of the said Act,—

(*a*) all the right, title and interest of the Board on that date in the lands specified in Schedules C and D and in the lands reclaimed within the limits specified in Schedule E shall vest in the Corporation ;

(*b*) the Corporation shall take over all the assets and liabilities of the Board.]

CHAPTER VI.

Revenue and Expenditure.

Contribution from Municipal Fund.

Amount of payment to be made by the Commissioner to the Board on the first day of May.

[2] **72.** The Commissioner shall pay from the Municipal Fund to the Board on the first day of May, 1913, and every succeeding first day of May a lump sum equal to double the amount of the actual net realizations of the Corporation in the preceding financial year under the head of General Tax or payments made in lieu of General Tax (including arrears and payments in advance)

[1] Section 71A was inserted by s. 27A of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Section 72 was substituted by s. 28 *ibid.*

divided by the rate fixed for the General Tax for the said financial year, provided that no part of any arrears of General Tax for 1911-1912 and previous years shall be taken into account in determining the amount of contribution payable by the Commissioner to the Board.]

73. [*Definition of terms used in this section.* "*The property taxes.*" "*The areas.*" "*Enhancement of rateable value.*" "*Diminution of rateable value*". *Determination of the amount of the payment to be made by the Commissioner to the Board or by the Board to the Commissioner, as the case may be. Adjustment of difference between credit and debits.*] [1] *Rep. by s. 29 (1), Bom. Act I of 1913.*

Payments by Government.

Government to pay to the Board the profits from certain lands realised subsequently to August, 1897.

74. Government shall pay to the Board, for a period of 99 years from the date which shall be notified under section 10, all rents and profits derived by Government from the lands specified or referred to in Schedule F subsequent to the 31st August, 1897.

Division of Accounts.

Cost of management for certain period to be charged to Capital and thereafter apportioned between Capital and Revenue.

75. (*1*) During the period of fifteen years from the date which shall be notified under section 10, or during such extended period as [2][Government] may approve, the cost of management, including the salaries and allowances of the Chairman, Acting Chairman, Trustees and scheduled staff, and the expenses mentioned in section 48 (*9*), and all incidental expenses, shall be charged to Capital.

Thereafter such charges shall be apportioned between Capital and Revenue in such proportion as the Board, subject to the approval of Government shall determine.

Capital account to show expenditure on each scheme and on the improvement of lands specified in Schedule C and in Schedule D and on reclamations separately.

(2) The Capital account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Board on each scheme separately, and shall also distinguish between the expenditure incurred on—

(*a*) the improvement of lands vested in the Board and specified in Schedule C;

(*b*) the improvement of lands vested in the Board and specified in Schedule D;

---

[1] This repeal shall have effect from 30th November, 1911, *cf.* Bom. Act 1 of 1913, s. 29 (*2*).

[2] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

(*c*) the reclamation of any areas situate within the limits specified in Schedule E.

76. [*All receipts by the Board to be credited to the General account.*] *Rep. by s. 30 (1), Bom. Act I of 1913.*

77. (*1*) The moneys credited to the General account shall be held by the Board in trust and, except as hereinafter provided, shall be applied by them in payment of the following charges (namely) :— Charges to which moneys credited to the General account shall be applied.

(*a*) all payments for interest and sinking fund charges due under sections 52 to 56 (both inclusive) [1] * * * * ;

(*b*) the cost, if any, of maintaining a separate establishment for the collection of the rents and other proceeds of lands vested or vesting in the Board under this Act;

(*c*) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes ;

(*d*) the amount of the cost of management apportioned to Revenue by the Board as provided by section 75 ; and

(*e*) all payments made by the Board in respect of rates and taxes levied under the [2]Municipal Act upon lands and buildings vested in the Board.

Bom. Act III of 1888.

(*2*) The Board shall have power to advance any sums standing to the credit of the General account to meet current Capital expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced. Power to advance sums standing to the credit of the General account to meet current Capital expenditure.

78. The General account shall distinguish between all items included in the General account according as such items are in respect of— The General account to distinguish between items in respect of lands specified in Schedule C and in Schedule D and reclamations.

(1) lands vested in the Board and specified in Schedule C ;

(2) lands vested in the Board and specified in Schedule D ;

(3) the reclamation of any areas situate within the limits specified in Schedule E ;

(4) other lands and buildings vesting in the Board.

[1] The words and figures "and all payments for interest charges due under sections 68 and 70" were repealed by s. 30 (*2*) of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Vol. III of this Code.

Disposal of Balances.

Credit balances to be applied to meet current Capital expenditure or to the reduction of debt on account of loans.

79. (*1*) Subject to the proviso hereinafter appearing, any credit balance which the General account shall disclose at the end of any year shall be applied in the manner provided under section 64 for the application of the proceeds of sales of land vested or vesting in the Board under this Act.

Debit balances to be charged to Capital.

(*2*) Any debit balance which the General account shall disclose at the end of any year shall be debited to Capital and met by the amount of such debit balance being included in the next loan to be raised under the provisions of sections 52 to 54 (both inclusive), provided that the aggregate of the amounts which may under this section be debited to Capital shall not exceed 15 per centum on the aggregate Capital debt of the Board.

(*3*) [*Proviso as to the division of profits after the tenth year.*] [1]*Rep. by s. 31 (1), Bom. Act I of 1913.*

Guarantee for fulfilment of Liabilities.

Procedure in event of default by Board in payment of interest or investment of sinking fund charges.

[2] [**80.** (*1*) If the Board fail—

(*a*) to pay any interest due in respect of any loan taken in pursuance of section 52,

(*b*) to pay or to set aside and invest any sum as required by section 55,

the Accountant General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under section 55; and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant General a sum equivalent to the sum so paid or invested by him; and Government may attach the rents and other income of the Board and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 of the [3]Municipal Act, 1888, shall with all necessary modifications be deemed to apply. Bom. Act III of 1888.

(*2*) Whenever the Commissioner has made any payment to the Accountant General under sub-section (*1*) Government shall re-imburse the Corporation out of the rents and income attached under that sub-section, and if such rents and income prove insufficient for the purpose, the Corporation may with the previous sanction of Government levy any such special tax as may be sufficient

[1] This repeal shall have effect from the 31st March 1912, *cf.* s. 31 (*2*) of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sections 80, 81 and 82 were substituted by s. 32, *ibid*.

[3] Vol. III of this Code.

to repay to the Municipal Fund the amount withdrawn by the Commissioner as aforesaid. Such special tax shall be in addition to the taxes from time to time leviable under the [1] Municipal Act.]

Bom. Act III of 1888.

[2] [**81.** If the Commissioner fails to make any payment as required by section 72 or section 80, Government may attach the Municipal funds or any tax leviable by the Corporation: and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 of the [1] Municipal Act, 1888, shall with all modifications be deemed to apply and Government may further require the Corporation to levy a special tax as provided in the last preceding section.]

Procedure in case of default by Commissioner.

Bom. Act III of 1888.

[2] [**82.** All moneys paid by the Commissioner under sub-section (*1*) of section 80 and not re-imbursed by the local Government under sub-section (*2*) of that section and all moneys payable under sub-section (*1*) of section 80 and levied under section 81 shall constitute a charge upon the property of the Board.]

Certain sums to be a charge upon the property of the Board.

Annual Estimates.

83. (*1*) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

Chairman to frame an annual estimate of income and expenditure.

(*2*) Such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act and shall be completed and printed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

84. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

The Board to sanction or amend such estimates.

85. The estimate, as sanctioned by the Board, shall be submitted to Government, who may, if they think fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall re-submit the estimate so amended to Government. A copy of the estimate shall be sent to the President of the Corporation.

Estimates to be submitted to Government for sanction.

[1] Vol. III of this Code.

[2] *See* footnote 2 on page 64, *supra*.

Transitory provision for submission and treatment of first estimates after date of constitution of the Board.

86. A special meeting of the Board shall be held so soon after the date, which shall be notified under section 10, as may be expedient, and the Chairman shall at such special meeting lay before the Board an estimate for such part of the official year as may at the date aforesaid remain unexpired, and such estimate shall thereupon be dealt with in the manner prescribed in the three last preceding sections.

Supplementary estimates may be prepared and submitted when necessary.

87. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to Government and a copy shall be sent to the President of the Corporation in the same manner as if it were an original annual estimate.

No sum exceeding Rs. 5,000 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.

88. (*1*) Save in cases of pressing emergency no sum exceeding five thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government, or is included in the amount payable by the Board under a decree of the High Court of Bombay or an award of the Tribunal.

(*2*) If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

Accounts to be audited and examined by Government auditors twice in every year.

89. (*1*) The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by Government.

Auditors may require production of documents.

(*2*) For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before

them at any such audit and examination, or adjournment thereof and to make and sign a declaration with respect to the same.

(3) The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General account; and within fourteen days after the audit and examination shall have been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the Bombay Government Gazette. A copy of the Auditors' report and of the abstract of the accounts shall be sent to the President of the Corporation.

Their remuneration to be fixed by Government.

Their report together with an abstract of the accounts to be published in the Government Gazette.

Banking.[1]

[1][**89A**. All moneys at the credit of the Board which cannot immediately be applied in the manner or to the purposes specified in this Act shall be deposited in such Bank or Banks and subject to such conditions as may from time to time be prescribed by Government: provided that nothing in this section shall be deemed to prohibit an investment in any of the securities specified in section 20 of the [2]Indian Trusts Act, 1882.]

All moneys to be deposited in prescribed Bank.

II of 1882.

CHAPTER VII.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

90. The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant:

Schedule of the officers and servants and their pay and allowances to be sanctioned by the Board.

Provided always that artisans, porters and labourers, and muccadums of porters and labourers, shall not be deemed to be officers or servants within the

Certain classes not to be deemed

[1] This heading and section 89A were inserted by s. 33 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] General Acts, Vol. III.

officers and servants except for certain purposes.

meaning of this section or of the next succeeding section (except sub-sections (5), (6) and (7) thereof) or section 92.

The Board to frame regulations for:

91. The Board shall from time to time frame regulations—

Regulating grant of leave.

(1) for regulating the grant of leave to the officers and servants of the Board;

Authorizing payment of leave allowances.

(2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

Determining amount of acting allowances.

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

Regulating period of service.

(4) for regulating the period of service of all such officers and servants;

Determining conditions of grant of allowances.

(5) for determining the conditions under which such officers and servants or any of them, shall on retirement receive gratuities, or compassionate allowances, and the amount of such gratuities, or compassionate allowances:

Provided that it shall be in the discretion of the Board to determine whether all of such officers and servants, or any, and, if so, which of them, shall become entitled on retirement to any such gratuities, or compassionate allowances as aforesaid;

Authorizing contributions to Provident Fund.

(6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund which may, with their approval, be established by the officers and servants appointed under this Act, or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants;

Determining conditions of grant of wound-pensions or compassionate allowances.

(7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any such officers and servants injured, or to the surviving relatives of any such officers and servants killed in the execution of their duty.

Powers of Appointments, etc.

Appointments, etc., by whom to be made.

92. (1) Subject to the provisions of the said regulations and of the schedule for the time being in force framed by the Board under section 90, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Board shall be exercised

by the Chairman in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Board.

(2) The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

Orders affecting pay, etc., of certain officers to be subject to the sanction of Government.

93. (1) Every order or regulation made by the Board under any of the three last preceding sections shall, so far as the same relates to the Secretary or Engineer, or Chief Accountant of the Board, be subject to the previous sanction of Government.

"Engineer" defined.

(2) In this section the word "Engineer" means the engineer of highest grade on the Board's ordinary staff, and also any superior officer who may from time to time be employed in the capacity of Consulting Engineer to the Board.

CHAPTER VIII.

By-laws.

The Board empowered to make by-laws.

94. (1) The Board may from time to time make by-laws—

(a) for regulating the delegation of the powers and duties of the Board to committees;

(b) for the guidance of persons employed by them under this Act;

(c) for the [1] management and use of the lands vested in the Board under section 60 (2), (3) and (4);

(d) for fixing the maximum amount of fees payable to any Trustee under section 17;

(e) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(f) generally for carrying out the purposes of this Act.

(2) The Board may also from time to time vary, alter or revoke any such by-laws to be made by them.

Approval and publication of by-laws.

95. (1) No by-law or alteration or revocation of a by-law shall have effect until the same shall have been approved by Government, and such

[1] For by-laws issued under s. 94 (c), *see* Bombay Government Gazette, 1900, Part I, p. 2466.

approval shall have been [1] published in the Bombay Government Gazette; and no by-law or alteration or revocation of a by-law shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.

(2) It shall be lawful for Government at any time by notification in the said Gazette to cancel any by-law or regulation made and published under the provisions of this and of the last two preceding sections.

Penalties for infringement of by-laws.

96. The Board may, in the by-laws made under section 94, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a by-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

By-laws to be exhibited.

97. The Board shall cause the said by-laws to be printed in the English, Marathi and Gujarati languages, and to be hung up at convenient places.

CHAPTER IX.

PENALTIES.

For being interested in contracts with the Board.

98. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the [2] Indian Penal Code: XLV of 1860.

Provided that nothing in this section shall apply to a person who is declared not to be disqualified or to be deemed to have a share or interest in any contract or employment by sub-section (2) of section 14.

For obtaining illegal gratification.

99. Any person employed under this Act, not being a public servant within the meaning of section 21 of the [2] Indian Penal Code, who shall accept XLV of 1860. or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions,

[1] For by-laws issued under s. 95, *see* Bombay Government Gazette, 1900, Part I, page 2466.

[2] General Acts, Vol. I.

favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person, with the Board or with any public servant as such, or with Government, shall be liable to the same punishment as is provided by the [1] Indian Penal Code in the case of the like offence committed by a public servant.

XLV of 1860.

100. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 89 (*2*), shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

For refusing or neglecting to appear before an auditor of accounts, etc.

101. All offences against this Act or against any by-law made under section 94 shall be cognizable by a Presidency Magistrate.

Cognizance of offences against this Act.

All fines and damages recovered from any offender shall be paid to the Board.

CHAPTER X.

MISCELLANEOUS.

102. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday, or public holiday.

Provision when day appointed for any purpose is a Sunday or public holiday.

103. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

Measurement of distances.

104. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

Limitation of suits.

---

[1] General Acts, Vol. I.

SCHEDULE A.

(SEE SECTION 47.)

Portions of the [1] *Land Acquisition Act, 1894, regulating the acquisition of lands under this Act.* I of 1894.

PART I.—Preliminary, except clauses (*d*), (*e*) and (*f*) of section 3.

PART II.—Acquisition, except sub-section (*1*) of section 4, section 6, and sub-section (*2*) of section 17.

PART III.—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (*6*) and (*7*) of section 24.

PART IV.—Apportionment of Compensation.

PART V.—Payment.

PART VI.—Temporary occupation of land.

PART VII.—Miscellaneous, except section 54.

SCHEDULE B.

(SEE SECTION 58.)

Form of Debenture.

THE TRUSTEES FOR THE IMPROVEMENT OF THE CITY OF BOMBAY.

The *18* .

By virtue of Act No. IV of 1898 of the Council of the Governor of Bombay for making Laws and Regulations, entitled "The City of Bombay Improvement Act, 1898," we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of rupees paid to us by *A. B.* of , promise to pay to the said , or order, the said sum of rupees after the date hereof, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of .

Given under our common seal this day of 189 .

Common Seal.

(Signatures of the Chairman and two Trustees.)

[1] General Acts, Vol. IV.

SCHEDULE C.

Showing Lands the property of Her Majesty's vested in the Board.

(SEE SECTION 60.)

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			[1] THE FLATS. (*Deposited Plan A.*)	Sq. yds.	Rs. a. p.	
1 (*a*)	...	1/2725	Bounded on the North partly by plot (*k*), partly by land belonging to the B. B. & C. I. Railway Company; on the South by Haines Road; on the East partly by James Greaves Mills and partly by Mr. David Gostling's land; on the West by the Tulsi Pipe Road.	77,719	...	
(*b*)	...	3400 and 3401	Bounded on North by Clerk Road; on the South partly by plot (*d*) and partly by Municipal land; on the East by the old main drain and on the West by plot (*d*).	164,560	...	
(*c*)	...	C/3413	Bounded on the North by Clerk Road; on the South and East by Municipal land and on the West by the old main drain. (Excepting 2,133 square yards forming part to the approach road to the Katchra Sidings running North to South across the plot.)	20,515	...	
(*d*)	...	3389	Bounded on the North partly by Clerk Road and partly by Municipal land; on the South by the properties of Nowroji Jehangirji Gamadia Chhabildas Lallubhai, Nanabhai Ganpatrao Shrikrishna and Ramlal Vasudeo and	219,352	...	

[1] This entry was substituted for the original entry relating to plot I, *the Flats*, by s. 34 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
			Narayan Vasudeo, Narayan Dadaji, the Trustees of the Victoria Memorial School for the Blind; Byramji Jijibhoy, C.S.I., Awabai, widow and Executrix of Ferdunji Framji Colah, Sir D. M. Petit; Bai Nawazbai, wife of Ranjibhoy, Maneckji Menbattiwala, Munchersha Ranjibhoy Menbattiwala; Bai Putalibai, wife of Munchersha Ranjibhoy Menbattiwala; Rustamji Ranjibhoy Menbattiwala and the Alliance Spinning and Weaving Company, Limited; on the East partly by plot (*b*) and partly by Municipal land; and on the West by the properties of the Municipal Corporation, Nowroji Jehangirji Gamadia, Chhabildas Lallubhai, Nanabhai Ganpatrao Shrikrishna and Ramlal and Narayan Vasudeo, Narayan Dadaji, the Trustees of the Victoria Memorial School for the Blind, Byramji Jijibhoy, C.S.I., Awabai, widow and Executrix of Ferdunji Framji Colah, Sir D. M. Petit, Nawazbai, wife of Ranjibhoy Maneckji Menbattiwala, Rustomji Ranjibhoy Menbattiwala; Munchersha Ranjibhoy Menbattiwala and Putalibai, his wife, and the Alliance Spinning and Weaving Company, Limited.			

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
(*e*)	...	3034	Bounded on the North by the Worli Road; on the South by the Worli Low Level Channel; on the East by the Century Mills; and on the West partly by the sluice drain and partly by the Worli Low Level Channel.	7,967·34	9,970 6 9	
(*f*)	...	3014	Bounded on the North partly by the property of Radhabai, widow of Jagannath Hiraji, partly by that of Purshottam Madhoji and partly by that of Shanwar Balu Gun Vaity; on the South by a public passage; on the East by the Worli Low Level Channel; and on the West by the properties of Purshottam Madhoji Ratanji Jamsetji Tata, Shanwar Balu Gun Vaity, Dadaji Habaji, Vinayak Govind, Pedru and Bastiao Dooming Kinny and Harischandra Mukundji Dhuru.	3,203·12	2,402 5 5	
(*g*)	...	3115	Bounded on the North by the properties of Shivram Harischandra, Ratanbai, widow of Sorabji Jijibhoy, Doongaji Bheraji and Waman and Khushal Sadashiv; on the South by the properties of Doongaji Bheraji, Damodar Lakhamidas Mills Company and Waman and Khushal Sadashiv; on the East partly by the Worli Low Level Channel and partly by the	30,014·34	18,758 15 4	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
			property of Waman and Khushal Sadashiv; and on the West by the properties of Ruttonbai, widow of Sorabji Jijibhoy, Balkrishna Arjunji, Jagannath Cookji, Waman and Khushal Sadashiv, Doongaji Bheraji, Keroba Janardan Mantri and Damodar Lakhmidas Mills Company.			
(*h*)	...	2768	Bounded on the North partly by a footpath and partly by the properties of Balkrishna Vithoba and Bhaskar Pandurang, Narayan and Purshottam Wasudevji; on the South by the Municipal land; on the East partly by the properties of Dadaji Ramji, Bhauram Raghoba, Tribhuwandas Mangaldas Nathubhai, Balkrishna Vithoba, Bhaskar Pandurang, Narayan and Purshottam Wasudevji, and Damodhar Bhaskar Mantri, partly by a footpath and partly by the properties of Kaikhusru Muncherji Hiramanek and Raghoba Harischandraji; and on the West by the Worli Low Level Channel.	62,109·06	38,818 2 7	
(*i*)	...	2767	Bounded on the North by Municipal land; on the South and West by plot (*m*); and on the East by the properties of Balkrishna Vithoba and Narayan Madhawarao Dange.	6,981	4,363 1 10	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. Yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
(*j*)	...	1/3411	Bounded on the North-East by the property of Fazalbhai Bhojabhai Allarakhia; on the South-East by the B., B. & C. I. Railway; on the South-West by Municipal land; and on the North-West by the Arthur Road.	5,681	14,202 8 0	
(*k*)	...	5/2728	Bounded on the North by B., B. & C. I. Railway premises; on the South and East by plot (*a*); and on the West by the Tulsi Pipe Road.	10,179	33,081 12 0	
			Southern portion.			
1 (*l*)	...	6-7-8/2728	Bounded on the North partly by the property of Peroo Mahamad, Bai Rahat, wife of Hansraj Lalji, Ratanji Vasta and Jiwan Sunderji and partly by that of Multani Chuttomal Jethanand; on the South by the Municipal land; on the East by the Tulsi Pipe Road; and on the West partly by Government vacant land and partly by the property of Radhabai, widow of Shantaram Narayan.	8,036	26,117 0 0	
			Eastern portion.			
(*m*)	...	3142	Bounded on the North partly by Municipal land, partly by plot (*i*), and partly by the property of Dadaji Habaji; on the South by	...	...	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plan.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
			the property of Radhabai, widow of Shantaram Narayan: on the East partly by plot (*i*), partly by the properties of Murarji Narottam, Ranchoddas Vithaldas, Dadaji Habaji, and Peroo Mahamad, Bai Rahat, wife of Hansraj Lalji, Ratanji Vasta and Jiwan Sunderji; and on the West by the Worli Low Level Channel.			
			Western portion.			
			Bounded on the North by the properties of Janardan Govindji Mantri, Cursondas Dharamsey, Abdullabhai Lalji and Mahamadbhai Hasanalli; on the South partly by the properties of Cursondas Dharamsey, Janardan Govindji Mantri, Cursondas Dharamsey, Abdullabhai Lalji and partly by the Worli Low Level Channel; on the East by the Worli Low Level Channel; and on the West partly by the properties of Edward Sassoon Mills, Cursondas Dharamsey, Janardan Govindji Mantri, partly by a water passage, partly by the properties of Abdullabhai Lalji, Dadoba Ramchandra and Mahomedali Husseinali and partly by the Haines Road.			

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd. *Southern portion.*			
			Bounded on the North by Worli Low Level Channel; on the South and East by Municipal property; and on the West by Haines Road.	60,091·07	60,091 1 1	
1 (*n*)	...	3378	Bounded on the North and West by the Municipal Storm Water Reservoir; on the South partly by Clerk Road, partly by Municipal land and partly by the Junction Road; and on the East by the Worli Low Level Channel beyond which is the Haines Road.	737,435	...	Average value for purposes of section 67 save in respect of any portion of this area now used as a ride and foot-path, and so long as it continues to be so used—(*a*) in event of appropriation as open space, Rs. 5 per sq. yard; (*b*) in event of appropriation to building purposes, Rs. 10 per sq. yd.
			The Kennedy Sea Face.			
			(*Deposited Plan B.*)			
2	...	8426	(*a*) Bounded on the *north* by the road leading to the Charni Road level-crossing; on the *south* by the northern boundary of Church Gate Street Station; on the *east* by the Bombay, Baroda and Central India Railway, and on the *west* by the Sea.	335,212	...	
			(*b*) Bounded on *north* by the south side of Church Gate Street; on the *south* by the west slope of the south approach to the Wodehouse bridge; on the *east* by the Bombay, Baroda and Central India Railway, and on the *west* by the Sea.	83,821	...	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			The Cooperage Plot. (*Deposited Plan C.*)	Sq. yds.	Rs. a. p.	
3	....	9563	Bounded on the *north* by the Bandstand Circle; on the *south* by Wodehouse Road; on the *east* by a line drawn in prolongation southwards of the west side of Mayo Road; and on the *west* by the Queen's Parade Road.	66,178	...	Average value for purposes of section 67, Rs. 10 per square yard.
			The Secretariat Plot. (*Deposited Plan C.*)			
4	...	8434	Bounded on the *north* by the Elphinstone College and New Secretariat; on the *south* and *west* by the Mayo Road; and on the *east* by Hornby Road.	17,700	...	Do. do., Rs. 25 per square yard.
			The Marine Lines Estate. (*Deposited Plan D.*)			
5	...	8452, 8453	Bounded on the *north* partly by the south side of the compound of Government Bungalow No. 41 and partly by the south boundary of Plot "C" reserved for Military purposes by Government Resolution No. 2 C.W.-4, dated 3rd January, 1881; on the *south* by Church Gate Street; on the *east* by the Esplanade and Mayo Roads; and on the *west* by the Marine Lines Road (Marine Street).	122,163	12,21,630 0 0	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Wellington Lines Plot.			
			(*Deposited Plan C.*)			
6	...	9562 9563	Bounded on the *north* by Mayo Road; on the *south* by Wodehouse Road; on the *east* by Hornby Road; and on the *west* by a line drawn in prolongation southwards of the west side of Mayo Road, being the east boundary of the plot described under item 3 of this Schedule.	42,394	4,23,940 0 0	
			The Wodehouse Road Plot.			
			(*Deposited Plan C.*)			
7	...	9561	Lying between the Wodehouse Road and the Colaba Causeway Roads and extending from the junction of these roads on the *north* to the boundaries of the Bombay and Baroda Railway and G. I. P. sidings and the Tramway Company's premises on the *south*, but *excluding* the site occupied by the Elphinstone College Students' quarters and *excluding* the site occupied by the Wesleyan Methodist Church, Personage and School.	54,726½	5,47,265 0 0	
			The Cotton Green Plot.			
			(*Deposited Plan C.*)			
8	...	9561	The triangular plot bounded on the *north* by the Bombay and Baroda Railway premises; on the *south* by private land; and on the *east* by the Colaba Causeway.	13,105	1,31,050 0 0	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Saluting Battery Plot. (*Deposited Plan C*)			
9	...	...	Bounded on the *north* by the Appollo Bandar Road; on the *south* by Lansdowne Road; on the *east* by Battery Street; and on the *west* by the Colaba Causeway.	5,600	2,80,000 0 0	
			The Crescent Site. (*Deposited Plan C.*)			
10	...	8433	The semicircular plot opposite the Sailors' Home and Elphinstone College, bounded on the *north* by Rampart Row.	31,957	7,98,925 0 0	
			The Plot south of Old Town Barracks. (*Deposited Plan D.*)			
11	...	9309	Bounded on the *north* by the Town Barracks occupied as Commissariat and Pay Offices; on the *south* and *east* by Mint Road; and on the *west* by Bazar Gate Street.	2,166	64,980 0 0	
			The Hornby Road Plot. (*Deposited Plan E.*)			
12	...	8463, 8464	Lying between Waudby and Hornby Roads and extending from the junction of those roads; on the *north* opposite the Victoria Terminus to the junction of the Esplanade and Hornby Roads; on the *south* opposite the Frere Fountain, but *excluding* areas already leased and the sites occupied by— The John Connon High School,			

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			The Hornby Road Plot—contd.	Sq. yds.	Rs. a. p.	
			(*Deposited Plan E*)—contd.			
			The Frere Fletcher School, Alexandra Native Girls' English Institution, The Telegraph Signallers' Quarters,			
			The Cathedral Boys' High School,			
			Do. do Girls' High School,			
			Do. do. Chaplains' Quarters.			
			For Gratuitous Dispensary, and *including* the site of the Government Mews and Engineer's Stores, subject to the right of Government to the unrestricted use of those premises pending their removal at the cost of the Board to another site to be approved of by Government —the plot vested in the Board comprising—			
			Vacant areas ...	71,051	14,21,020 0 0	
			The Triangular Plot south of Crawford Market:			
			(*Deposited Plan D.*)			
13	...	8474	Bounded on the *south* by the Crawford Market; on the *east* by Palton Road; and on the *west* by Hornby Road.	9,569	1,91,380 0 0	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Dispensary Plot. (*Deposited Plan D.*)			
14	...	8478	Bounded on the *north* by the Jaffer Suleman Dispensary ; on the *south* by Salvation Army premises ; on the *east* by the G. I. P. Railway ; and on the *west* by Hornby Road.	1,642	33,840 0 0	
			The plot north of Municipal Office. (*Deposited Plan D.*)			
15	...	8473	Bounded on the *north* by a public road ; on the *south* by a private road ; on the *east* by Hornby Road ; and on the *west* by land leased to the Corporation.	6,600	1,98,000 0 0	
			The Chaupati Estate. (*Deposited Plan F.*)			
16	...	7298	(1) Bounded on the *north* partly by a public passage leading to Gibb's Road and partly by private properties (Survey Nos. 7299 - 7302); on the *south* partly by the Queen's Road, partly by the plot reserved for Body Guard Lines and partly by the Sirri Road ; on the *east* by the Gamdevi Road ; and on the *west* by an irregular line extending from where the public passage forming the north boundary meets the Gibb's Road to the Sirri Road:—			
			(*a*) Land forming the Hill slope.	52,675	...	
			(*b*) Building land ..	82,473	8,24,730 0 0	

SCHEDULE C—*concld.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Chaupati Estate—contd.			
			(*Deposited Plan F*)—contd.			
		7306	(2) Bounded on the *north* by private property; on the *south* by the Chaupati Road; and *east* and *west* by private property.	7,150	71,500 0 0	
			The Police Lines Plot, Dadar. (*Deposited Plan G.*)			
17	...	1262 1A-4 1263	Bounded on the *north* and *east* by private lands; on the *south* by the Dadar Road; and the *west* by the G. I. P. Railway. (*Deposited Plan H.*)	5,234	52,340 0 0	
18	...	2486 2487 37 8 101 61 50	The Parel Estate ... ... Subject to the right of Government to remove the materials of the buildings forming the Body Guard Lines and the Bandsmen's Quarters, provided such right is exercised within 12 months from the date which shall be notified under section 10.	330,469	9,91,407 0 0	
			Total Amount Rs. ...	...	*72,52,007 0 0	

* *Note.*—In view of the entries 1 (*a*) to 1 (*n*) substituted by s. 34 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), the correct total is 74,59,211-7-0.

SCHEDULE D.

(SEE SECTION 60.)

Showing lands the property of the Corporation vested in the Board.

No. of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
			THE CONNAUGHT ROAD ESTATE. (*Deposited Plan I.*) *Ward E.*	Sq. yds.	Sq. yds.	Rs.	Rs.
1	...	...	Plot bounded on the *north* by vacant land, on the *south* by Sussex Road, on the *east* by private property and on the *west* by the Parel Road—				
			Plots A, B and C	1,169	...	10,521	...
			Plots E, F, G and H.	1,528	...	7 640	...
			Area reserved for road.	1.296	...	6,480	...
			Plots I, K, L and M.	2,817	...	14,085	...
B	...	...	Plot marked B	10,002	...	50,010	...
2	...	...	Plot bounded on the *north* by Sussex Road, on the *south* by lands sold to private persons fronting the Connaught Road, on the *east* by land sold to Mr. Tyebally Mahomedally and on the *west* by plots sold to private persons fronting the Parel Road—				
			Plots Nos. 6 to 16 inclusive.	4,263	...	25,578	...
3	...	...	Plot bounded on the *north* by vacant land, on the *south* by the Connaught Road, on the *east* by the Ghurapdeo Road, and on the *west* by the Sussex Road—				
			Plots Nos. 19 to 40 inclusive	15,752	...	78,760	...
			Total, Connaught Road Estate.		36,827		1,93,074

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown ● on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
			THE AGRIPADA ESTATE. (*Deposited Plans J. and K.*) *Ward D.*	Sq. yds.	sq. yds.	Rs.	Rs.
4	3880 (1)	3410	Arthur Road ...	7,750	...	25,188	...
5	3879	3409	Do. ...	6,996	...	17,490	...
6	4257 (5)	1/3510		2,752	...	6,880	...
7	7203 to 7206	1/3455		8,975	...	26,925	...
		1/3456					
8	4544, 4547	3483		2,468	...	9,255	...
	4548, 4264						
9	4520, 4535	1 A/3484		2,306	...	13,000	...
	4543, 4263						
10	4567	3485		17,740	...	62,090	...
11	4268	1/3481		1 740	...	6,090	...
		1A. 1B. 1C. 1D./3485	Agripada				
	4257 (2)	1A. R. 1 A C. 4/3486					
12	4352, 4353			10,560	...	44,893	...
	4270	1A to 1F./3487					
		1-2 3-5/3528					
13	4097 to 4099	1/3506		*57,708	...	1,73,124	...
		1-3/3527 3525					
14	4430 (1)	1-2 3 & 5/3529		*245,107	...	7,35,321	...
		1/3505					
15	4457-59	1/3533	Ripon Road ...	19,297	...	69,469	...
16	4066-67	1 c/3508	Arthur Road ...	*7,704	...	27,966	...
17	4072-74	1/3531	Ripon Road ...	5,908	...	17,724	...
18	4566	2 A/3487 1/3486	Haines Road ...	6,393	...	27,170	...
		4/3482					
C	...	...	Agripada ...	2,690	..	5,380	....
D	...	...	DeLisle Road ...	5,196	...	24,072	...
E	...	...	Arthur Road ...	*1,525	...	6,100	...
			Total, Agripada Estate.		41,281		12,98,137

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA (*Deposited Plan L.*) *Ward F.*				
19	7804	809					
	7781	P 16 / 926		*3,558	...	3,558	...
	P / 7780	P 17 / 926					
	P / 7779	P 18 / 926					
	P / 7778	P 19 / 926					
20	P / 7797	P 2 / 927					
	P / 7773	P 1 / 924		*3,791	...	5,687	...
	P / 7772	P 2 / 924					
	P / 7767	P 6 / 924					
21	7770	4 A / 924					
22	7800	W 1 / 928	New Dadar-Matunga Road.	*48	...	5,465	...
23		W 1 / 928		*313	...		
24	P / 769, P / 7784(1)	P 81 P 13 / 95 96		95	...		
25	7782, P / 7783	P 14 W 15 / 626		*1,256	...		
26	7769	W 4 / 924		*858	...		
27	7768	W 5 / 924		*652	...		
28	7730	W 53 / 925		*411	...		
29	7733, 7735	W 51 & 55 / 925		*800	...		
	P / 7700	W 1, 2 / 925		*110	...		
30	P / 7735	W 51 A / 25		*761	...		
31	7736	W / 925		*777	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
32	7731	W 54 / 925		*145	...		
33	P / 7729	P 80 / 925		*853	...		
34	7707	P 80 / 925		167	...		
35	P / 7707	P 80 / 925		*238	...		
36	7728	W 80 A / 925		153	...		
37	P / 7725	P 79 / 925		47	...		
38	*Nil*	925		*560	...		
39	7430	W 4 / 862		*22	...		
40	7429	W 5 / 862		*285	...		
41	7417, 7422	W 1 & 2 A / 863		475	...		
42	7399	W 3 / 871	New Dadar-Matunga Road.	683	...	12,279	...
43	7405	W 1 / 869		*384	...		
44	7406	W 2 / 869		*299	...		
45	7412	W 1 / 866		*2,798	...		
46	7404	W 1 / 870		*265	...		
47	7402	W 3 / 870		*266	...		
48	7407	W 5 / 870		*591	...		
49	7403	W 2 / 870		*530	...		
50	7408	W 4 / 870		651	...		
51	P / 7131	P 1 / 872		*6,766	...		
52	7030	872		*395	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
53	7031,7032	P 1& 2 W 872		*6,342	...	22,504	...
	7037	W 9 877					
54	7389	W 1 A 874		*3,139	...		
	7390	W 1 873					
	7391	W 2 873					
55	.....	W 3 873		86	...		
56	7045	W 1 877		95	...		
57	7042	W 4 877		*53	...		
58	7044	W 2 877		*1,098	...		
59	7043	W 3 877		*1,788	...	15,356	...
60	7049	W 1 906		*4,119	...		
61	7050	W 2 906					
62	7051, 7056	W 1 & 2 905	New Dadar-Matunga Road.	*2,084	...		
63	7054	W 7 905		357	...		
64	7055, 7052	W 3, 4 & 5 905		*2,491	...		
65	P 6835	P 4 1109		*21,542	...		
66	7130	W 4 1111		371	...		
67	7131	W 6 1111		476	...		
68	P 7121, 7122	P 1 W 2 1114		*2,162	...	54,334	...
69	7289	W 1 1143		*503	...		
70	7162	W 1 1173		*109	...		
71	7161	W 2 1173		108	...		
72	7163	W 1172		*2,185	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MATUNGA —*contd.* *Ward F*— contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
73	6824	1238		*183	...		
74	P 6823	P 1, W2 1238 1237		*6,161	...		
75	6825	W 1 1239		961	...		
76	6783	W 7 1242		415	...		
77	6789	W 2 1242		*3,453	...		
	6818, 6819	W 3, W4 1236		*8,877	...	13,423	...
78	P 6791	P 1 1235		*847	...		
79	6794, 6797	W 2, W 5 1233		*1,118	...		
80	6799	W 7 1233		*1,035	...		
81	P 6449, 6450	P 2 1195		*762	...	6,564	...
82	6635	7 1206		*391	...		
83	6636 to 6639	W 2, 3, 4, 5 1206	New Dadar-Matunga Road.				
84	P 6814	P 2 1232		*2,948	...	5,159	...
	6813	W 3 1232					
	6624	W 1 1209					
	P 6623	P 2 120					
	P 6634	P 7 A 1206					
	6633	8 1206					
	6452	1 1195					
85	6640, 6632	W 19 1206		*1,156	...	1,445	...
86	P 6454	P 1 1194		*1,066	...	2,665	...
87	P 797 (2) 829 (2), 830 & 798	P 1 2089		*2,823	...	24,344	...
88	6591	10 1213		*3,363	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresp nding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	*Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs
			LANDS AT MATUNGA —*contd.* *Ward F*—contd				
89	765	P 1 / 2080		*12,175	...	23,233	...
	766	W 2 / 2080			...		
90	766	P 3 / 2080		...	...		
91	768	P 1 / 2024		*4,420	...		
92	P / 775 (1)	P 1 / 2026		*1,123	...	1,123	...
93	P / 775 (2)	P 1 A / 2026		8,376	...	4,188	...
	743 (1)	P 1 / 2031					
	743 (3A)						
	744	A / 2030					
94				*1,367	...	16,094	...
95							
96	P	P 1		*948	...		
97	742	2035					
98			New Dadar-Matunga Road.	*813	...		
99	P / 742	P 2 / 2035		*1,204	...	5,418	...
100	P / 667	P 1 / 2036		*717	...	2,151	...
101	6800	12 / 1232		606	...	1,142	...
102	6802	W 10 / 1232		536	...		
103	7109	W 6 / 1119		679	...	610	...
104	7112	W 2 / 1717		388	...		
105	778	2 / 2027		*500	...	500	...
106	777	1 / 2027		*610	...	610	...
107	776, 779	3-4 / 2027		*2,114	...	2,114	...
108	769	2 / 2028		*767	...	767	...
109	770	1 / 2028		*3,325	...	3,325	...

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
110	7401, 7400	5, 1-2 / 871		*5,737	...	5,737	...
	7423 to 7428	4, 5, 6, 7, 8, 9 / 863					
	7422	2 A / 863					
111	7327	2 / 1130		1,331	...	799	...
112	7249	5 / 1151		*8,950	...	6,713	...
	7241, 7243	6 / 1152, 4 / 1152					
	7251	3 / 1151					
	7137-38	4-5 / 1174					
	7288 (1-2), 7287, 1164	2-3 / 1143					
113	7288 (1), 7165, 7167	2 / 1143, 2-4 / 1171		*3,627	...	2,720	...
114	7111, 7113	1-3 / 1117	New Dadar-Matunga Road.	3,723	...	2,234	...
	7118	2 / 1116					
115	7236, 6767	2 / 1153, 1 / 1243		6,712	...	5,034	...
	6684, 6683	3 / 1454, 3 / 1254					
	6741, 6784	5 / 1247, 6 / 1242					
	6678, 6762	4 / 1255, 5 / 1213					
	7319	2 / 1132					
116	7244, 7239	3 / 1152, 5 / 1153		*5,415	...	4,066	...
	6795-96, 6798	3, 4, 6 / 1233					
	6820, 6743	4 / 1237, 3 / 1247					
	6675-76	6-7 / 1255 & 1-5 / 1241					
	6778, 6782						

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
117	7318	1/1132		3,804	...	2,282	...
118	7409	868		2,187	...	2,187	...
119	7119, 7116	1-4/1116, 4/1117		2,197	...	1,098	...
	7114						
120	6816	1/1236		*2,283	...	1,641	...
121	7325, 7323	4/1130, 1/1131		3,436	...	2,062	...
122	7107	2/1119		1,037	...	777	...
123	6803 (1)	Western portion of 7-A/1232		309	...	232	...
124	6801	11/1232		559	...	419	...
125	6821, 6579	3/1237, 1/1233		2,240	...	1,680	...
	6792	& 1/1234					
126	7125, 7126	1-2/1112 and western portion of 1-2/1110	New Dadar-Matunga Road.	*3,732	...	2,799	...
127	7804	1/808		*529	...	396	...
128	7242, 7254	5/1152, 5/1150		6,982	...	5,234	...
	7172, 6783	1/1169, 7/1242					
	7269	1/1148					
	7166 (1)						
	7127 (2)	3/1171					
129	7160 (2)	Western part of 1111 and northern part of 3/1173		*9,818	...	6,873	...
130	7115, 7108	5/1116, 1/1119		3,984	...	2,988	...
	7106, 7104	5/1119, 3/1119					

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
131	7179 (1)	$\frac{3}{1167}$		*3023	...	2,267	...
132	7326, 7324	$\frac{3}{1130}$, $\frac{2}{1131}$		3,593	...	2,694	...
133	6642 (1) 6641	The whole of the north portion of $\frac{1a}{1201}$, up to $\frac{1}{1205}$, $\frac{1a}{1204}$		*3,710	...	2,783	...
134	6793	$\frac{2}{1234}$		*323	...	262	...
135	7771	$\frac{3}{924}$		660	...	660	...
136	7801, 7802	$\frac{2-3}{928}$		*845	...	634	...
137	7053, 7055	$\frac{5-6}{205}$		*2,566	...	2,563	...
138	6817	$\frac{2}{1236}$		*1,855	...	1,391	...
139	6679 (1) 6641 6651, 6652	$\frac{3}{1255}$, $\frac{1}{1205}$ $\frac{2-3}{1199}$ on the east side thereof, also on the side thereof, etc.	New Dadar-Matunga Road.	*3,735	...	...	...
	6643 (1)	1203					
140	7039	$\frac{7}{877}$		*576	...	432	...
141	7040, 7041 7038	$\frac{5, 6}{877}$ & $\frac{8}{877}$		883	...	662	...
142	7182 (2)	1166		*448	...		
143	7179 (1) 7181 7197	$\frac{3}{1167}$ 1153		*1,361	...	1,559	...
144	7194 to 96	$\frac{1, 2, 3}{1164}$		5	...		
145	7173-78	$\frac{1, 2, 3, 4, 5, 6}{1163}$		*265	...		
146	7128	$\frac{5}{810}$		1,113	...	389	...

SCHEDULE D—*concld.*

Consecutive Number of plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*concld.*				
			Ward F—concld.				
147	7147, 7849	11/813, 8/811 and others.		895	...	313	...
148	7826-37	3-4/810		2,135	...	747	...
149	7924	10/811		451	..	158	...
150	784	6/812	New Dadar-Matunga Road.	562	...	197	...
151	7398, 7329	1/1127, 1/1129		6,829	...	5,122	...
	7330, 7331	2/1129, 3/1129					
	7732	4/1129					
F	.....	.....	Dadar Road ...	8,185	...	7,876	...
G	.....	.....	Matunga ...	13,185	...	9,770	...
H	.....	.....	Lady Jamsetji Road.	7,387	...	14,060	...
			Total Lands at Matunga.	...	2,98,376	...	3,49,348
			GRAND TOTAL ...	...	7,48,018	...	18,40,559

The amounts shown in this Schedule are subject to deduction in respect of the plots marked with an asterisk, portions of which have been appropriated to roads as shown on the Deposited Plans.

SCHEDULE E.

(SEE SECTION 61.)

Showing the limits within which the right to reclaim the bed of the sea vests in the Board.

Colaba.—The foreshore below high water mark extending southwards from a point opposite the foot of the south approach to the Wodehouse Bridge along the west side of Colaba to the extreme limit of Colaba Point.

Walkeshwar and Mahalaxmi.—The western foreshore of the Island below high water mark extending from Worli Fort to Malabár Point.

SCHEDULE F.

(SEE SECTION 74.)

Showing lands included in Schedule C leased by Government between 1st September, 1897, and the date which shall be notified under section 10.

Locality.	Description of Plot.	Area.	Terms of Lease.
		Sq. yds.	
The Hornby Road Plot.	Bounded on the *North* by the John Connon High School; on the *South* and *East* by the Connon Road; and on the *West* by the Esplanade Road.	3,268·33	Ninety-nine years, at a ground rent of one anna per square yard per annum, renewable for a further term of 99 years.
And such other lands as may be leased prior to the date notified under section 10.			

BOMBAY ACT No. I OF 1899.[1]

[*25th May, 1899.*]

An Act further to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is enacted as follows:— Bom. Act VI of 1879.

Amendment of section 3 (*12*).

1. In the Bombay Port Trust Act, 1879, which is hereinafter referred to as the said Act, for clause (*12*) of section 3 there shall be substituted the following, namely: Bom. Act VI of 1879.

[Vol. II of this Code.]

Amendment of section 13.

2. In the said Act the first two paragraphs of section 13 shall be numbered as sub-sections (*1*) and (*2*), and the following shall be added:

[Vol. II of this Code.]

Amendment of section 14.

3. For section 14 of the said Act the following shall be substituted, namely:

[Vol. II of this Code.]

Insertion of new sections after section 14.

4. After section 14 of the said Act the following sections shall be inserted:

[Vol. II of this Code.]

Amendment of section 15.

5. In the said Act the first paragraph of section 15 shall be numbered as sub-section (*1*), and for the second paragraph of the same section there shall be substituted the following, namely:

[Vol. II of this Code.]

Amendment of section 21.

6. In the proviso to section 21 of the said Act as amended by Bombay Act III of 1883, in place of the word and figure "and 6" there shall be substituted the following, namely, "(6) and (7)".

Amendment of section 22.

7. To section 22 of the said Act there shall be added the following, *viz.*:

[Vol. II of this Code.]

Amendment of section 23.

8. In section 23 of the said Act, for the first twenty-two words thereof there shall be substituted the following, namely:

[Vol. II of this Code.]

Amendment of section 37.

9. In section 37 of the said Act, after the first sentence ending with the "thoroughfare" there shall be inserted the following, *viz.*:

[Vol. II of this Code.]

Insertion of two new sections after section 42.

10. After section 42 of the said Act there shall be inserted the following new sections, *viz.*:

[Vol. II of this Code.]

Repeal of part of section 43.

11. The last three paragraphs of section 43 of the said Act are repealed.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1897, Pt. V, p. 277; for Report of Select Committee, *see ibid.* 1898, p. 214; and for Proceedings in Council, *see ibid*, 1898, pp. 292 and 399, and *ibid.* 1899, p. 13.

Short Title.—"The Bombay Port Trust (Amendment) Act, 1899," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

Insertion of two new sections after section 43.

12. After section 43 of the said Act the two following sections shall be inserted, *viz.* :

[Vol. II of this Code.]

Amendment of section 49.

13. After clause (*5*) of section 49 of the said Act the following clause shall be inserted, *viz.* :

[Vol. II of this Code.]

Amendment of section 50.

14. To section 50 of the said Act there shall be added the following *viz.* :

[Vol. II of this Code.]

Insertion of a new section after section 51.

15. After section 51 of the said Act there shall be inserted the following new section, *viz.* :

[Vol. II of this Code.]

Insertion of a new section after section 67.

16. After section 67 of the said Act there shall be inserted the following new section, *viz.* :

[Vol. II of this Code.]

Amendment of section 68.

17. In section 68 of the said Act between clause (*7*) and the proviso thereto the following shall be inserted, *viz.* :

[Vol. II of this Code.]

Insertion of a new clause in section 73.

18. In section 73 of the said Act, the word "and" at the end of clause (*g*) shall be omitted; clause (*h*) shall be lettered as clause (*i*); and the following shall be inserted as clause (*h*) :

[Vol. II of this Code.]

Amendment of section 78.

19. For the proviso to section 78 of the said Act there shall be substituted the following, *viz.* :

[Vol. II of this Code.]

Amendment of section 84.

20. In the last sentence of section 84 of the said Act, between the words "authorized" and "officer" there shall be inserted the words "Dock Master or"; the words "or of the Master Attendant's Department" shall be omitted; and the following words shall be added at the end of the section, *viz.* :

[Vol. II of this Code.]

Repeal of enactments.

21. The enactments mentioned in the Schedule are repealed to the extent specified in the third column thereof.

SCHEDULE.

(*See Section 21.*)

Enactments.	Subject.	Extent of Repeal.
Bombay Act VI of 1879.	Bombay Port Trust Act...	Section 9 to, and including, the words "in every other case." Section 10 to, and including, the words "in every other case." Section 21 the words from "until a schedule" to "foregoing provisions." Section 57.
Bombay Act III of 1883.	Bombay Port Trust, amending Bombay Act VI of 1879.	Section 5.

BOMBAY ACT No. II OF 1899.[1]

[*7th June, 1899.*]

An Act to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food.

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food; It is enacted as follows :—

PRELIMINARY.

Short title.

1. (*1*) This Act may be cited as the Bombay Prevention of Adulteration Act, 1899.

Extent.

(*2*) This Act extends to the whole of the Presidency of Bombay, but it shall not come into force except as in this section provided.

(*3*) This section and section 6 shall come into force at once throughout the extent of this Act.

Commencement.

(*4*) The other sections of this Act shall come into force, subject to the provisions of sub-section (*5*),

(*a*) in the City of Bombay at once, and

[2] (*b*) in each municipal district elsewhere in respect of which the Governor in Council at any time so directs by notification, from such date, which shall not be less than one month from the date of the notification, as he prescribes therein in this behalf.

Provisions restricting the application of certain sections.

(*5*) (*a*) Nothing contained in any section coming into force under sub-section (*4*) shall apply—

(*i*) in the City of Bombay, in the first instance, to any [3]food other than ghee,

(*ii*) [4] in any municipal district, to any food which is not of a kind to which the provisions contained in such section are, by a notification

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1888, Pt. V, p. 225; for Reports of Select Committee, *see ibid*, p. 302, and *ibid*, 1899, p. 1; and for Proceedings in Council, *see ibid*, p. 400, and *ibid*, 1899, pp. 13, 42 and 64.

[2] Sections 2, 3 and 4 came into force within the Municipal Districts of Karachi, Hyderabad and Bandra and Kurla with effect from the 15th August, 1901, *see* Notification No. 3842, dated 5th July, 1901, in Bombay Gazette, 1901, Pt. I, p. 1155, *ibid*, 1902, Pt. I, p. 675, and see also addenda on p. cexevi of the list prefixed to the Bombay Local Rules and Orders.

[3] For notification declaring that from 1st April, 1912, the Act shall apply to milk in City of Bombay, *see* Bombay Government Gazette, 1912, Pt. I, p. 304.

[4] For notification restricting the application of the provisions of this Act to ghee within the Municipal Districts of Karachi, Hyderabad, Bandra and Kurla. *see* Notification No. 3842, dated 5th July, 1901, in Bombay Gazette, 1901, Pt. I, p. 1155, *ibid*, 1902, Pt. I, p. 675.

under this section, for the time being made applicable in such district.

(*b*) But each of the said sections and of the amendments therein contained, in respect of which the Governor in Council at any time so directs by notification, shall, in the City of Bombay or in any municipal district mentioned in such notification, apply to food of all kinds, or to food of any kind therein specified, from such date, which shall not be less than one month from the date of such notification, as shall be prescribed therein in this behalf.

(*c*) The Governor in Council may at any time cancel or vary, but not otherwise than in accordance with the provisions of this section, any notification made thereunder.

(*d*) No proceedings shall at any time be instituted under section 3, without the order or consent in writing,— No proceedings to be instituted without leave of Commissioner or President or Vice-President of Municipality.

(*i*) in the City of Bombay, of the Commissioner, or

(*ii*) in a municipal district, of the President or the Vice-President of the Municipality.

(*e*) In all prosecutions under section 3 or section 4, the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused, and if such prosecution relates to a perishable article purchased from such person for the purpose of analysis, the application for such summons shall be refused unless it is made within twenty-eight days from the date of the purchase of such article, and particulars of the offence or offences against this Act of which such person is accused, and the name of the prosecutor, shall be stated in the summons, and the day fixed for the hearing of the case shall not be less than seven days from the day on which the summons is served upon such person. Summons when to be applied for and what it is to contain.

(*f*) In this section and in the amendments contained in section 6, the term "food" does not include drugs or water, but includes every other article which is used for food or drink by man. Meaning of "food," where its application is not restricted.

Act to be read with Municipal Acts in force.

[1] **2.** Subject to the provisions of section 1, this Act shall, in so far as it affects the City of Bombay, be read with, and construed as if it were part of, the [2] City of Bombay Municipal Act, 1888, and, in so far as it affects any other part of the Presidency of Bombay, shall be read with, and construed as if it were part of, the [3] [[4] Bombay District Municipal Act, 1901].

Bom. Act III of 1888.

Bom. Act III of 1901.

PROVISIONS WHICH RELATE TO THE SALE OF FOOD, AND WHICH MAY BY NOTIFICATION BE MADE APPLICABLE TO ANY FOOD.

Punishment for selling human food not of the proper nature, substance or quality.

[1] **3.** (*1*) Whoever sells to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punished for the first offence with fine which may extend to one hundred rupees, and for a second or any subsequent offence with fine which may extend to five hundred rupees.

Protection to persons acting in good faith.

(*2*) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say,—

(*a*) where any matter or ingredient not injurious to health has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof,

(*b*) where in the process of production, preparation or conveyance of such article of food some extraneous substance has unavoidably become intermixed therewith,

(*c*) where any matter or ingredient not injurious to health has been added to or mixed with such article of food and, before the sale thereof, the seller has brought to the notice of the purchaser, either by means of a label distinctly and legibly written or printed on or with the article or otherwise, the fact that such matter or ingredient has been so added or mixed.

Explanation.—If in compliance with a demand for ghee any article is supplied which contains any substance not exclusively derived from milk, such article shall be deemed to have been sold to the prejudice of the

---

[1] *See* footnote [3] on page 100, *supra*.

[2] Vol. III of this Code.

[3] These words and figures were substituted for the words and figures "Bombay District Municipal Acts, 1873 and 1884" by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[4] *Infra*.

purchaser within the meaning of sub-section (*1*), unless before the sale thereof the seller has brought to the notice of the purchaser the fact that it contains such substance.

What is or is not a good defence in prosecutions under this section.

(*3*) In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser having bought only for analysis, was not prejudiced by the sale:

Provided that the vendor shall not be deemed to have committed an offence under this section, if he proves to the satisfaction of the Court—

(*a*) that the article sold was purchased by him as the same in nature, substance and quality as that demanded by the purchaser, and with a written warrant to the effect that it was of such nature, substance and quality;

(*b*) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid; and

(*c*) that he sold it in the same state in which he purchased it.

Persons refusing to sell any article to proper authority liable to penalty.

[1] **4.** (*1*) If in the City of Bombay the Commissioner or any officer empowered by him in that behalf, or elsewhere the officer authorized by the Municipality for the purposes of [2] [section 142 of the Bombay [3] District Municipal Act, 1901,] shall apply to purchase any article of food exposed for sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees.

Bom. Act III of 1901.

Provisions for identifying sample purchased.

(*2*) The Commissioner or officer empowered as aforesaid in the City of Bombay, and elsewhere the officer authorized by the Municipality as aforesaid, on purchasing any article under this section for the purposes of analysis, shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the Chemical Analyser to Government, and shall offer to divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

---

[1] *See* footnote 2 on p. 100, *supra*.

[2] These words and figures were substituted for the words and figures "section 68 of the Bombay District Municipal Act, 1873," by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[3] *Infra*.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the Chemical Analyser to Government.

(*3*) If the seller or his agent do not accept the offer of the purchaser as aforesaid to divide the article purchased in his presence, the Chemical Analyser to Government receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he supplies his certificate, to be delivered to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

PROVISIONS WHICH RELATE TO EXPOSURE FOR SALE, ETC., AND WHICH MAY BY NOTIFICATION BE MADE APPLICABLE TO ANY FOOD.

Addition to section 415 of the City of Bombay Municipal Act, 1888.

5. (*1*) In the City of Bombay Municipal Act, 1888,— Bom. Act III of 1888.

(*a*) To section 415 there shall be added the following, namely :

[Vol. III of this Code.]

(*b*) After section 417 thereof, there shall be inserted the following new section, namely :

[Vol. III of this Code.]

[1] * * * * * *

Addition of section to section 417 of the City of Bombay Municipal Act, 1888.

[2] [(*2*)] The proviso hereinafter contained shall be added as sub-section (*2*) to section 417A of the City of Bombay Municipal Act, 1888, as amended by sub-section (*1*) of this section, * * * * Bom. Act III of 1888.

[3] * * * * * * , namely ;

[*Infra.*]

Amendment in the City of Bombay Municipal Act, 1888.

PROVISIONS WHICH COME INTO FORCE AT ONCE AND ARE NOT RESTRICTED IN THEIR APPLICATION.

6. [4] * In the City of Bombay Municipal Act, 1888,— Bom. Act III of 1888.

(*a*) in sub-section (*2*) of section 417, for the words " he shall cause " there shall be substituted the following, namely :

[Vol. III of this Code.]

(*b*) after section 417A of the said Act as amended by sub-section (*1*) and sub-section (*3*) of section 5 of this Act, there shall be inserted the following new sections, namely : New Section to be inserted after section 417A in the City of Bombay Municipal Act.

[Vol. III of this Code.]

[5] * * * * * * * * *

---

[1] Sub-section (*2*) was repealed by s. 2 (*2*) of the Bombay District Municipal Act, 1901 (Bom. Act 3 of 1901), *infra*.

[2] The figure (*2*) was substituted for the figure " 3 " and the letter " (*a*) " and the word " and " were repealed by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[3] Clause (*b*) up to, and including, the words " of this section " was repealed by s. 2 (*2*) of the Bombay District Municipal Act, 1901 (Bom. Act 3 of 1901), *infra*.

[4] The figure (*1*) was repealed by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[5] Sub-section (*2*) was repealed by s. 2 (*2*) of the Bombay District Municipal Act, 1901 (Bom. Act 3 of 1901), *infra*.

BOMBAY ACT No. III OF 1899.[1]

[*11th November, 1899.*]

An Act to provide for the grant of Special Occupancies in certain Government lands in Sind.

WHEREAS it is expedient to provide for the grant by the Government of special occupancies in certain lands in the Province of Sind within the Presidency of Bombay which are the property of the Government and are wholly or partly irrigable from Government canals; It is hereby enacted as follows :—

Short title. **1.** (*1*) This Act may be called the Government Occupants (Sind) Act, 1899.

Extent. (2) It extends to the Province of Sind, being part of the territories for the time being administered by the Governor of Bombay in Council.

Commencement. (3) It shall come into force at once.

Definition. **2.** [2] In this Act, unless there is something repugnant in the subject or context, "Collector" includes also any officer appointed by the Local Government to perform all or any of the functions of the Collector under this Act. And the Local Government may delegate to any officer so appointed all or any of the powers of a Collector under the [3] Bombay Land Revenue Code, 1879, in the area subject to his administration.

Bom. Act V of 1879.

Application of Act. [4] **3.** The Local Government may, by notification in the official Gazette, apply the provisions of this Act to any tract of land in Sind, such land being the property of Government and being wholly or partly irrigable from a canal the property of Government.

Issue of statements of conditions of occupancies. [4] **4.** When this Act has been so applied to any tract, the Local Government may issue a [5] statement or statements of the conditions on which it is willing to grant to occupants lands situate in such tract.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1899, Pt. V, p. 69; and for Proceedings in Council, *see ibid*, p. 214.

[2] For list of notifications issued under these sections, *see* addenda to p. cexevi of the list prefixed to the Bombay Local Rules and Orders.

[3] Vol. II of this Code.

[4] For list of notifications issued under these sections, *see* the list prefixed to the Bombay Local Rules and Orders.

[5] For statement as to land irrigated wholly or partly from the—

(1) Jamrao Canal, *see* Bombay Government Gazette, 1899, Pt. I, pp. 757, 761 and 767.
(2) Dad Canal, *see ibid*, pp. 768, 772 and 775.
(3) Nasrat and Naulaki Canals, *see ibid*, pp. 779, 783 and 789.
(4) Hirah Nah Canal, *see ibid*, pp. 791, 795, 798 and 801.

Power to grant occupancies on such conditions.

[1] **5.** When any such statement has been issued for any tract, the Collector may, in manner hereinafter provided, grant occupancies of lands in such tract on the conditions prescribed in such statement.

Mode of making such grants.

[1] **6.** Before an occupancy of any lands is granted on such conditions to any person in any such tract, the Collector shall prepare a sanad in duplicate describing such lands and otherwise in such form and containing such particulars as the Local Government may prescribe. One copy shall be signed by the proposed occupant in token of acceptance of the occupancy and shall be retained by the Collector, and the other copy shall thereupon be delivered to such proposed occupant :

Provided that where the Collector, in lieu of any of the lands described in any such sanad, subsequently grants the occupancy of any other lands in any such tract, he may, instead of preparing a fresh sanad in duplicate as aforesaid, endorse a note of this on the copies of the sanad already prepared, and have the endorsement on his copy signed by the occupant in token of his consent thereto.

Effect of signature of entry.

7. When any [2][such sanad or endorsement thereon] has been so signed as directed in the last foregoing section, the person signing the same as proposed occupant and his successors in interest shall, notwithstanding any previous agreement or anything contained in the [3]Bombay Land Revenue Code, 1879, or any other enactment now in force, be deemed to have accepted and to hold the lands described in such [4][sanad or endorsement thereon] as an occupant from the Government on the conditions [5][on which the occupancy has been granted under sections 5 and 6.] Bom. Act V of 1879.

Transfer of rights of occupants.

8. The rights or interests vested in an occupant by or under this Act shall not be capable of being attached or sold in execution of a decree or order of any Court or in any insolvency proceedings, nor shall they or any of them, without the previous consent in writing of the [6][Collector], be transferred or charged by any sale, gift or mortgage or other private contract.

[Provided that nothing in this section shall apply to any transaction to which a co-operative society registered under the [8] Co-operative Societies Act, 1912, is a party.] II of 1912.

---

[1] Sections 5 and 6 were substituted by s. 2 of the Government Occupants (Sind) Amendment Act, 1908 (Bom. Act 1 of 1908), *infra*.

[2] These words were substituted for the words " entry in any such register " by s. 3 *ibid*.

[3] Vol. II of this Code.

[4] These words were substituted for the word " entry " by s. 3 of the Government Occupants (Sind) Amendment Act, 1908 (Bom. Act 1 of 1908), *infra*.

[5] These words were substituted for the words " prescribed in the statement prefixed to such register " by *ibid*.

[6] This word was substituted for the words " Commissioner in Sind " by s. 2 and Sch. I of the Bom. Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[7] This proviso was added by s. 2 of the Government Occupants (Sind) Amendment Act, 1919 (Bom. Act 3 of 1919), Vol. V of this Code.

[8] General Acts, Vol. VII.

Sums due in respect to occupancy recoverable as arrears of land revenue.

9. All sums due to the Government in respect of an occupancy granted in pursuance of this Act shall be recoverable as if they were arrears of land revenue due from the occupant in respect of such occupancy.

Retrospective effect given to the Act in respect of occupancies granted under conditions before the passing of the Act.

10. Notwithstanding anything hereinbefore provided, any occupancy which may have been granted, upon special conditions, at any time after the 15th day of October, 1899, and before the passing of this Act, in respect of lands comprised within any tract which may be notified under section 3, shall be deemed to have been granted under the provisions of this Act, and shall have the same validity as if it had been granted in accordance with the foregoing provisions [1] * * * *

BOMBAY ACT No. I OF 1900.[2]

[*1st June 1900.*]

An Act to amend the Bombay Civil Courts Act, 1869.

XIV of 1869. X of 1876 and XV of 1880. XII of 1891. Bom. Act III of 1895. 55 and 56 Vict, c. 14.

WHEREAS it is expedient to amend the [3] Bombay Civil Courts Act, 1869, as amended by the Bombay Revenue Jurisdiction Acts, 1876 and 1880, the Repealing and Amending Act, 1891, and by the Bombay Civil Courts Act Amendment Act, 1895; and whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is enacted as follows:—

Short title.

1. This Act may be cited as the Bombay Civil Courts Amendment Act, 1900.

Amendment of section 16.

XIV of 1869. **2.** [4] In the first sentence of section 16 of the [3] Bombay Civil Courts Act, 1869, amended as aforesaid, after the word "value" where it first occurs shall be inserted the following:—"applications or references under Special Acts," and after the word "applications" where it occurs for the second time the words "or references" shall be inserted.

Amendment of section 21.

3. At the end of section 21 of the said Act, amended as aforesaid, the following shall be added:—

[Vol. II of this Code.]

Amendment of section 23.

4. [4] (*a*) In the first paragraph of section 23 of the said Act, amended as aforesaid, after the word "jurisdictions" the following words shall be added:—

[Vol. II of this Code.]

(*b*) For the last paragraph of section 23 of the said Act, amended as aforesaid, there shall be substituted the following:—

[Vol. II of this Code.]

---

[1] The words "Such particulars as may be prescribed by the Local Government shall be entered in respect of such occupancies in the registers provided under section 5" were repealed by s. 4 of the Government Occupants (Sind) Amendment Act, 1908 (Bom. Act 1 of 1908), *infra*.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1900, Pt. V, p. 3; for Report of Select Committee, *see ibid*, p. 59; for Proceedings in Council, *see ibid*, pp. 43, 45 and 69.

[3] Vol. II of this Code.

[4] Sections 2 and 4 to 9 of the Act have been extended under s. 5 of the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to the Province of Sindh, *see* Gazette of India, 1900, Pt. I, p. 823, *ibid*, 1901, Pt. I, p. 73.

Amendment of section 27.

5. [1] (*a*) In the first paragraph of section 27 of the said Act, amended as aforesaid, after the words "first class" there shall be inserted the following :—

[Vol. II of this Code.]

(*b*) In the second paragraph of the said section, after the words "first class" there shall be added the following :—

"or a Judge of a Court of Small Causes."

(*c*) For the third paragraph of the said section there shall be substituted the following :—

[Vol. II of this Code.]

Amendment of section 28.

6. [1] For the first paragraph of section 28 of the said Act, amended as aforesaid, there shall be substituted the following :—

[Vol. II of this Code.]

Amendment of section 40.

7. [1] In section 40 of the said Act, amended as aforesaid, for the words "Governor of Bombay in Council" the words "the District Judge" shall be substituted, and for the words "the Governor General of India in Council" the words "the Governor of Bombay in Council," and after the word "Act" the following shall be added :—

"within the local limits of his jurisdiction."

Insertion of a new section 40A.

8. [1] After section 40 of the said Act, amended as aforesaid, the following new section shall be inserted :—

[Vol. II of this Code.]

Insertion of of a new section.

9. [1] After section 41 of the said Act, amended as aforesaid, the following new section shall be inserted :—

[Vol. II of this Code.]

BOMBAY ACT No. II OF 1900. [2]

[*25th September, 1900.*]

An Act to further amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :— Bom. Act III of 1888.

Amendment of section 74 (2) (c).

1. For clause (*c*) of sub-section (*2*) of section 74 of the City of Bombay Municipal Act, 1888, there shall be substituted the following, namely : Bom. Act III of 1888.

[Vol. III of this Code.]

Amendment of s. 75 (3).

2. In sub-section (*3*) of section 75 of the said Act, for the words "rupees fifteen hundred" where they occur therein, there shall be substituted the following, namely :

"the maximum permissible under clause (*c*) of sub-section (2) of section 74, in respect of the officer in whose place such person is appointed.".

---

[1] *See* footnote * on p. 107 *supra*.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1900, Pt. V, p. 84 ; and for Proceedings in Council, *see ibid*, p. 163.

Short Title.—"The City of Bombay Municipal (Amendment) Act, 1900," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

BOMBAY ACT No. III OF 1900.[1]

[*25th October, 1900.*]

An Act to amend the Bombay City Land Revenue Act, 1876.

Bom. Act II of 1876.

WHEREAS it is expedient to amend the Bombay City Land Revenue Act, 1876, in manner hereinafter appearing; It is enacted as follows:—

Bom. Act II of 1876.

Amendm of Interp tion sect

1. In the Bombay City Land Revenue Act, 1876, hereinafter referred to as the said Act, in section 3 thereof,

(*a*) after the words "in the subject or context," there shall be inserted the following, namely:

[Vol. II of this Code.]

(*b*) For clause (*4*) of the same section there shall be substituted the following, namely:

[Vol. II of this Code.]

Addition section 9

2. To section 9 of the said Act there shall be added the following, namely:

[Vol. II of this Code.]

Addition section 1

3. To section 10 of the said Act there shall be added the following, namely:

[Vol. II of this Code.]

Amendm of sectio

4. In section 13 of the said Act, for the first seventeen words thereof, there shall be substituted the following, namely:

[Vol. II of this Code.]

Amendm of sectio

5. In section 26 of the said Act, after the words "any such encroachment," there shall be inserted the following, namely:

[Vol. II of this Code.]

Amendm of sectio

6. In section 31 of the said Act, after the words "instrument of transfer, if any," there shall be inserted the following, namely:

[Vol. II of this Code.]

Addition section 3

7. To section 36 of the said Act there shall be added the following, namely:

[Vol. II of this Code.]

Amendm of sectio

8. In section 37 of the said Act, after the words "repair of survey boundary marks," the following words shall be inserted, namely:

"or on account of the abatement or removal of an encroachment."

Additio Schedul

9. The following shall be added to Schedule A of the said Act:

[Vol. II of this Code.]

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1900, Pt. V, p. 6; for Report of Select Committee, *see ibid*, p. 73; and for Proceedings in Council, *see ibid*, pp. 26, 71 and 189.

Short Title.—"The Bombay City Land-revenue (Amendment) Act, 1900," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

BOMBAY ACT No. I OF 1901.[1]

[*7th March, 1901.*]

An Act to amend the Bombay Salt Act (Bombay Act II of 1890).

WHEREAS it is expedient to amend the [2] Bombay Salt Act, 1890; It is hereby enacted as follows :— Bom. Act of 1890.

1. For section 3, clause (*m*), of the said Act, there shall be substituted the following, namely :

[Vol. III of this Code.]

2. In clause (*c*) of section 47 of the said Act there shall be inserted between the words " receives " and " or, without lawful excuse," the words " or is in possession of ".

BOMBAY ACT No. II OF 1901.[3]

[*29th March, 1901.*]

An Act to further amend the Bombay Port Trust Act of 1879.

WHEREAS it is expedient to further amend the [4] Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is enacted as follows :— Bom. Act of 1879.

1. (*1*) This Act shall be called the Bombay Port Trust Act Amendment Act of 1901.

Commencement. (*2*) It shall come into force on 1st April, 1901.

2. In clause (*3*) of section 36 of the [4] Bombay Port Trust Act as amended by section 145 of the [5] City of Bombay Municipal Act, 1888, for the words " nine-tenths " shall be substituted the words " nineteen-twentieths ". Bom. Act of 1879. Bom. Act of 1888.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. V, p. 97 ; and for Proceedings in Council, *see ibid*, p. 112.

Short Title.—" The Bombay Salt (Amendment) Act, 1901," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[2] Vol. III of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. V, p. 77 ; and for Proceedings in Council, *see ibid*, p. 112.

[4] Vol. II of this Code.

[5] Vol. III of this Code.

THE BOMBAY DISTRICT MUNICIPAL ACT, 1901.

CONTENTS.

CHAPTER I—PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal.
   Saving clause.
3. Definitions.

CHAPTER II—CONSTITUTION OF MUNICIPALITIES.

(1) Municipal Districts.

4. Declaration of Municipal districts.
   Limits to be specified in notification.
   Erection and maintenance of boundary-marks.
   Property and rights of Municipality which has ceased to exist to vest in Government.
5. Municipal districts to be periodical or permanent.
6. What local areas may be declared to be periodical municipal districts.
7. What local areas may be declared to be permanent municipal districts.
   Naming of municipal districts comprising two or more places.
8. Permanent municipal districts.

(2) Municipalities.

9. Constitution and incorporation of Municipalities.
10. Municipalities to consist of elected and nominated councillors.
    In specified proportions.
    Failure to elect.
11. The Governor in Council may determine number of councillors, fix proportion of elected and nominated councillors and make rules for regulating elections.
12. Persons qualified as candidates and to be entered in the list of voters.
13. Operation of lists.
    Right to vote to depend on entry in roll.

SECTIONS.

13A. Enrolment in Municipal Election Roll necessary for elected councillor.
Representative of an Association.
14. Constitution of Municipalities in exceptional cases.
Periodical municipalities.
Taxes, rules and by-laws in periodical municipalities.

(3) *Municipal Councillors.*

15. General disqualifications for becoming a councillor.
Disabilities from continuing a councillor.
Powers of Government and of the Commissioner to decide whether vacancy has occurred.
15A. Resignation.
16. Liability to removal from office.
17. Term of office.
18. Casual vacancies how to be filled up.
19. Re-eligibility of councillors.
20. Publication of names of councillors in the Bombay Government Gazette.

(4) *Municipal Elections.*

21. General disqualifications of voters.
22. Determination of validity of elections.
Powers of Judge holding inquiry.
Declaration in case of corrupt practice by a candidate.
Scrutiny of votes and declaration in other cases.
What is a corrupt practice.
Candidate when deemed to have committed corrupt practice.
Promise of individual profit.
Mere irregularities and informalities not to invalidate election.
Disqualification of candidate for corrupt practice.
22A. Corrupt practices: criminal offences and procedure.

(5) *Presidents and Vice-Presidents.*

23. Selection of president.
President how appointed or when to be elected.
Election of vice-president, subject in certain cases to confirmation.
Effect of notification of *ex-officio* president.

SECTIONS.

Consequences of absence of president or vice-president without leave.
Limit to grant of leave, and arrangements pending absence of vice-president.
Liability of president and vice-president to removal and term of office.
Vacancies in their office how to be filled up.
23A. Municipal government vests in the Municipality.
24. Functions of President.
Functions of Municipal Commissioner.
President in what cases to have only a casting vote.
25. Functions of vice-president.

CHAPTER III.—CONDUCT OF BUSINESS.

(1) Municipal meetings.

26. Provisions in regard to meetings of a Municipality.
Ordinary general meetings.
Special general meetings.
Notice to be given of meetings.
Municipal meetings to be held at Municipal office.
Every meeting how presided over in the absence of the president and the vice-president.
Meeting must ordinarily be open to the public.
Number of councillors required to form a quorum.
What business to be transacted at meetings and order of business how to be settled.
Minutes of proceedings to be kept.
All questions to be decided by a majority of votes.
Adjournments of meetings.
Modification and cancellation of resolutions.
Notice of certain business to be given to the Government Executive Engineer or Educational Inspector.
Certain Government officers may attend meetings of Municipalities.
Municipalities may require the presence of the said officers at their meetings.
26A. Right of Municipal Commissioner to be present and to speak at municipal meetings.

(2) *Committees.*

SECTIONS.

27. Managing committees.
Powers of managing committees.
28. School committees.
29. Other executive committees.
30. Consultative committees.
31. When persons other than councillors may serve on committees.
Duties, etc., of such persons.
32. Casual vacancies—re-eligibility.
33. When chairman to be *ex-officio*.
When no *ex-officio* chairman, Municipality may appoint chairman.
When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.
If there is no chairman *ex-officio* or appointed by the Municipality committee may appoint chairman.
34. Procedure at meetings.
Committees may meet when they think proper.
Number of members required to form a quorum at committee meetings.
35. Procedure by circular.
Propositions when to be sent to Government officers for remarks.
Decisions how to be taken on propositions circulated, and how to be recorded.
Procedure by circular when applicable to other municipal business.
36. Subordination of committees to instructions of Municipality and compliance with requisitions of Municipality.
Order subject to revision and appeal.

(3) *Delegation of powers to individuals.*

37. Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) *Validity of proceedings.*

38. Acts and proceedings of Municipality and committees not vitiated by disqualifications, etc., of members thereof.
Proceedings of meetings to be good and valid until the contrary is proved.
Vacancy not to affect Municipality's proceedings.

(5) Joint transactions with other bodies.

SECTIONS.

39. Joint committees of two or more Municipalities or other local bodies.
Agreement for joint levy of octroi.

(6) Contracts.

40. Competency of Municipality to lease, sell and contract;
subject in certain cases to sanction of Commissioner.
Sanction by resolution at general meeting requisite to validity of certain contracts.
Sanction of Municipality when requisite in other cases.
Sanction by committees and individuals empowered.
Mode of executing contracts.
Invalidity of contracts unless requirements of this section are fulfilled.
This section to be subject to the provisions of Chapter XIIIA.

(7) Compulsory acquisition of land.

41. Recourse to the Land Acquisition Act, 1894.

(8) Liabilities of councillors, officers and servants.

42. Councillors to be held responsible for misapplied funds.
Municipal funds ordinarily liable for all cost and expenses incurred.
43. Officer or servant of any Municipality not to be interested in any contract with such Municipality.
Effect of acquiring such interest.
Saving clause.
44. Penalty for councillor, officer or servant of a Municipality being interested in any contract, etc., with that Municipality.
45. Penalties imposed by the Indian Penal Code.

CHAPTER IV.—RULES AND BY-LAWS.

46. Municipalities to make rules :
regulating the conduct of business;
fixing the functions of the president and the establishment;
for general guidance of municipal servants;
fixing the amount of the security to be furnished;
determining mode of appointing, etc., municipal servants;
delegating power to appoint, etc.;

SECTIONS.

granting leave to municipal servants ;
fixing pensions, etc. ;
contributing to provident funds ;
prescribing the taxes, etc., to be levied for municipal purposes ;
for writing off amounts due and remitting fees.

Approval required to rules.

Proviso as to officers transferred from or to the service of Government.

Notice required in certain cases of dismissal.

47. Power to suspend, reduce or abolish any existing tax.

48. Power to make by-laws :
for markets and slaughter-houses, etc., etc.;
for licensing, regulating and inspecting certain businesses ;
for licensing the use of steam whistles, etc. ;
regulating the stalling of cattle, etc. ;
for regulating dairies and cattle sheds, milk stores, etc.;
for inspection of weights and measures ;
for defining standard weights and measures ;
for registration of births, etc. ;
regulating the disposal of the dead ;
for enforcing supply of information as to epidemics ;
for enforcing information as to liability to municipal taxation ;
octroi by-laws ;
for protecting water ;
regulating public baths, etc. ;
for conservancy ;
regulating structures and buildings ;
for providing for streets ;
for ensuring ventilation ;
requiring qualified surveyors in City Municipalities ;
control of drains ;
requiring information and plans in certain cases ;
for controlling unwieldy traffic, and
regulating municipal administration.

Fine may be imposed for infringement of by-laws.

Publication of draft of proposed by-laws.

Objections and suggestions to be submitted to Government.

49. Rules and by-laws to be printed and sold.

CHAPTER V.—MUNICIPAL PROPERTY AND FUND.

SECTIONS.

50. Power to acquire and hold property.
Property vested in the Municipality.
50A. Decision of claims to property by or against the Municipality.
51. Municipal Fund.
Provision as to special trusts.
When special trusts may be created.
52. Municipal property and funds how to be applied.
53. Power to deposit and invest surplus funds.
Surplus not so deposited or invested how to be dealt with.

CHAPTER VI.—OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPALITIES.

54. Duties of Municipalities.
55. Provision for lunatics and lepers.
56. Discretionary powers of expenditure of Municipalities.
57. Arrangements purporting to be binding permanently or for a term of years.
58. Management of public institutions maintained by Municipalities to vest in them.

CHAPTER VII.—MUNICIPAL TAXATION.

(1) Imposition of Taxes.

59. Taxes which may be imposed.
60. Procedure of Municipality preliminary to imposing tax.
61. Power to sanction, modify and impose conditions.
62. Publication of sanctioned rules with notice.

(2) Assessment of and liability to rates.

63. Preparation of an assessment-list.
Power to inspect.
Returns to be furnished.
64. Publication of notice of assessment-list.
65. Public notice of time fixed for revising assessment-list.
Objections how to be made.
Hearing of objections.
Authentication of list.
Custody and inspection of list.
Authenticated list how far conclusive.

SECTIONS.

66. Amendment of assessment-list.
Objections how dealt with.
Effect of amendment.
67. New assessment-list need not be prepared every year.
68. Tax from whom primarily leviable.
Recovery from occupiers.
Remedy of occupier in such case.
69. Remission of tax in case of vacancies;
when obligatory;
when discretional.
Burden of proof on claimant.
Explanatory clause.

(3) Power to charge fees.

70. Municipality may charge fees for certain licenses.
Market and other fees.

(4) Special provisions relating to certain taxes.

71. Fixed charges and agreements for payment in lieu of taxes for water supplied.
Power to fix a special rate in lieu of special sanitary cess.
Power to compound tax on vehicles or animals.
Recovery of sums claimed under this section.
72. Taxes on pilgrims may be assigned in part to local boards.
73. Power of Government to suspend levy of objectionable taxes.
74. Power of Government to require Municipalities to impose taxes.

(5) Octroi and tolls.

75. Octroi by-laws to be submitted with proposal for imposition of octroi.
76. Power to examine articles liable to octroi.
Power to search where octroi is leviable.
77. Presentation of bills for octroi.
Penalty for evasion of octroi.
78. Tables of tolls to be shown on demand.
79. Power to seize vehicle or animal on non-payment of octroi or toll.
Power to sell property seized at once.
Release of property on payment.
Sale.
Surplus how dealt with.

SECTIONS.

80. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.
81. Collection of octroi by one public body on behalf of others.
81A. Farming of tolls.
Person employed by lessee of toll to have power of seizure.

CHAPTER VIII.—RECOVERY OF MUNICIPAL CLAIMS.

82. Presentation of bill for taxes.
Contents of bill.
If bill not paid within fifteen days, notice of demand to issue.
83. In what cases warrant may issue.
Warrant by whom to be signed.
To whom warrant should be addressed.
Power of entry under special order.
Warrant how to be executed.
84. Sale of goods distrained.
Application of proceeds of sale.
Surplus, if any, how dealt with.
84A. Distraint and sale outside the district.
85. Fees and costs chargeable.
86. Appeals to Magistrates.
87. Liability of land, buildings, etc., for rates.
88. Suspension of power to recover by distress and sale.
89. Receipts to be given for all payments.

CHAPTER IX.—MUNICIPAL POWERS AND OFFENCES.

(1) Powers in respect of streets.

90. Power regarding streets, etc.
Power to require repair of streets and to declare such streets public.
Power to declare any street a public street subject to objections by the owners.
91. New streets.
Power of Municipality to pass orders.
Right to proceed in certain cases.
Penalty.
91A. The regular line of a public street.

(2) Powers to regulate buildings, etc.

92. Setting back projecting buildings.
Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.
Compensation payable by the Municipality.

SECTIONS.

93. Setting forward to regular line of street.
94. Roofs and external walls of buildings not to be made of inflammable materials.
Power to require removal of roof and wall if inflammable.
Penalty.
95. Level of buildings.
96. Notice of new buildings.
Power of Municipality to pass orders,
or to suspend the work or require further particulars.
Right to proceed in certain cases.
97. Regulation of huts.
98. Improvement of huts.

(3) Powers connected with drainage, etc.

99. Municipal control over drains, etc.
100. Powers for making drains.
101. Sufficient drainage of houses.
New buildings not to be erected without drains.
102. Powers of owners and occupiers of buildings or lands to drain into municipal drains.
103. How right to carry drain through land or into drain belonging to other persons may be obtained.
Such right how and on what conditions to be authorized by Municipality.
Written order of municipal authority for execution of necessary work.
104. Work how to be carried out.
105. Rights of owner of land through which drain is carried in regard to subsequent building thereon.
106. Provision of privies, etc.
107. Cost of altering, repairing and keeping in proper order privies, etc.
108. Power to close existing private drains.
109. Power in respect of sewers, etc., unauthorizedly constructed, rebuilt or unstopped.
110. Encroachments on municipal drains.
111. Inspection of drains, etc.
Expense of inspection when to be borne by the Municipality.

SECTIONS.

112. Municipality may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.
Expenses in such cases by whom to be paid.

(4) *Powers regarding external structures, etc.*

113. Permission necessary for certain projections.
Removal of projections.
114. Troughs and pipes for rain-water.
115. Fixing of brackets, etc., to houses.
116. Naming streets and numbering houses.
117. Penalty for defacing building, etc.
118. Removal and trimming of hedges, trees, etc.

(5) *Powers for promotion of public health, safety and convenience.*

119. Ruinous or dangerous buildings.
Action to be taken on default by owner or occupier.
Proviso if danger is not imminent.
120. Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.
Remedy on non-compliance with directions issued.
121. Displacing pavements, etc.
Penalty for failure to replace after notice.
122. Obstructions and encroachments upon public streets and open spaces.
123. Hoards to be set up during repairs, etc.
124. Fencing and lighting during repairs, etc.
125. Timber not to be deposited or hole made in a street without permission.
126. Dangerous quarrying.

(6) *Powers for the prevention of nuisances.*

127. Depositing dust, etc.
128. Discharging sewage, etc.
129. Non-removal of filth, etc.
130. Removal of night-soil.
131. Filthy buildings, etc.
Deserted and offensive buildings.
132. Power to enter and inspect, etc., buildings.
133. Bathing places.
134. Fouling water.

SECTIONS.

135. Abatement of nuisances.
136. Using offensive manure, etc.
137. Tethering cattle, etc.
137A. Feeding animals on filth.
138. Consumption of smoke.

(7) *Regulation of markets, sale of food, etc.*

139. Licensing markets and slaughter-houses.
140. Opening, closing and letting of markets and slaughter-houses.
141. Slaughter-houses, etc., beyond municipal limits.
142. Search for and inspection of unwholesome articles.
Adulterated articles for food or drink.
Protection to persons acting in good faith.
Application for summons to be refused if not applied for within reasonable time.
143. False weights and measures.

(8) *Prevention of dangerous diseases.*

144. Powers which may at any time be conferred.
Penalties for disobedience to an order passed in exercise of such powers.
145. Duties of municipality on threatened or actual outbreak of dangerous disease.
Penal clauses.
146. Withdrawal and modification of powers and orders.
147. Duties of Municipality in respect of diseases among cattle, sheep or goats.
148. Proceedings to abate the overcrowding of the interiors of buildings.
Procedure of Magistrate.
149. Special powers which may be conferred by the Governor in Council in respect of overcrowded areas notified by the Governor in Council.
150. Closing of places for disposal of the dead.

(9) *Nuisances from certain trades and occupations.*

151. Regulation of certain trades.
Liability to penalty after notice.
Penalty for unlicensed places in district in which by-laws under section 48 (*1*) (*b*) (*iii*) are in force.

SECTIONS.

151A. Prohibition of use of steam-whistles, etc.
152. Loitering or importuning for purposes of prostitution.
153. Brothels.

(*10*) *Service of notices, and penalties on non-compliance therewith.*

154. Service of notices, etc., addressed to individuals.
Service of notices on "owners" or "occupiers" of buildings and lands.
Public and general notices how to be published.
Defective form not to invalidate notice.
Execution of acts required to be done by any notice.
155. Punishment for disobedience to orders and notices not punishable under any other section.
156. Municipality in default of owner or occupier may execute works and recover expenses.
Agreement for construction of drainage and water connections.
Improvement expenses.
Power to levy charges on occupier, who may deduct the same from his rent.
Occupiers not to be liable for more than the amount of rent due.
157. Occupiers, in default of owner, may execute works and deduct expenses from his rent.
158. Proceedings if any occupier opposes the execution of the Act.
159. Entry for purposes of the Act.
160. Arbitration in cases of compensation, etc.
160A. Costs or expenses how determined and recovered.

CHAPTER X.—PROSECUTIONS, SUITS AND POWERS OF POLICE.

161. Municipality may prosecute.
Jurisdiction of Magistrate.
162. Distress lawful though defective in form.
163. Damage to municipal property how made good.
164. Alternative procedure by suit.
165. Power to compromise.
166. Assistance for the recovery of rent on land.
167. Limitation of suits, etc.
168. Powers of Police officers.

CHAPTER XI.—MUNICIPAL ACCOUNTS.

169. Presentation of accounts.
Budget estimates,

SECTIONS.

170. Audit of accounts.
171. Transmission of accounts to Government.
172. Publication of accounts.

CHAPTER XII.—CONTROL.

173. Collector's powers of inspection and supervision.
174. Collector's powers of suspending execution of orders, etc., of Municipalities.
Collector's order to be reported to Commissioner, who may confirm or modify it.
Every case under this section to be reported to Government for their final orders.
175. Extraordinary powers of Collector in case of emergency.
176. Power of Commissioner to prevent extravagance in the employment of establishment.
177. Governor in Council may require any City Municipality to appoint a chief officer, health officer, or an engineer.
178. Power of Government to provide for performance of duties in default of Municipality.
179. Power of Government to supersede Municipality in case of incompetency, default or abuse of powers.
Consequences of exercise of such power.
Power after inquiry to continue period of supersession.
180. Powers of Government and of the Commissioners over Collectors, etc.

CHAPTER XIII.—SPECIAL PROVISIONS FOR CITY MUNICIPALITIES.

181. Constitution of City Municipalities.
182. City Municipality may appoint a chief officer, health officer and engineer.
183. Powers of chief officer.
184. Chief officer's power of appointment and punishment.
185. Delegation of chief officer's powers.
186. Chief officer may take part in discussions.

CHAPTER XIIIA.—THE MUNICIPAL COMMISSIONER; HIS POWERS AND DUTIES.

186A. Appointment of Municipal Commissioner.
Population how ascertained.
Subsequent reduction of population.

SECTIONS.

Appointment of chief officer to cease on appointment of a Municipal Commissioner.
Discontinuance of appointment.
186B. Term of office.
Removal from office.
186C. Salary of Municipal Commissioner.
Prohibition of engagement in other business.
186D. Leave of absence.
Leave allowance.
Appointment of substitute.
186E. Contributions from Municipality towards pension and leave allowances of Municipal Commissioner.
186F. Power of Municipality to require returns, reports or production of documents.
186G. Powers of Municipal Commissioner and limitations thereon.
186H. Municipal Commissioner deemed to be authorized in certain matters although not expressly so authorized.
186I. Punishment for person disobeying lawful direction given by Municipal Commissioner.
186J. Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.
186K. Municipal Commissioner not to exercise powers of Municipality over masters and teachers.
186L. Orders not subject to appeal except in certain cases.
186M. Delegation of powers of Municipal Commissioner.
186N. Power to execute contracts on behalf of municipality.
186O. Mode of executing contracts.
186P. Tenders to be invited for contracts involving expenditure exceeding Rs. 1,000.
186Q. Security when to be taken for performance of contract.

CHAPTER XIV.—NOTIFIED AREAS.

187. Constitution of notified areas.
188. Power of Government to impose taxation and regulate expenditure of the proceeds thereof.
189. Application of Act to notified areas.
190. Preliminaries to notification.
Power to cancel notification.
191. Application of funds of areas ceasing to be notified.

SCHEDULES.

BOMBAY ACT No. III OF 1901.[1]

[*1st April, 1901.*]

An Act for the better management of municipal affairs in mufussil towns and cities.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in cities and towns in the Bombay Presidency other than the City of Bombay; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. **1.** (*1*) This Act may be cited as the Bombay District Municipal Act, 1901.

Local extent. (*2*) It extends to the whole of the Presidency of Bombay, except the [2]City of Bombay.

Commencement. (*3*) It shall come into force on the first day of April, 1901.

Repeal. **2.** (*1*) The Bombay District Municipal Acts of 1873 and 1884 are hereby repealed: Bom. Act VI of 1873. Bom. Act II of 1884.

Provided that—

Saving clause. (*a*) the said repeal shall not affect the validity or invalidity of anything already done under either of the said enactments;

(*b*) all municipalities constituted, municipal commissioners appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Acts or under any enactments thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Act;

(*c*) any enactment of the Governor of Bombay in Council, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1899, Pt. V, p. 133; for Report of Select Committee, *see ibid*, 1900. p. 1; and for Proceedings in Council, *see ibid*, 1899, p. 216; *ibid*, 1900, p. 33; *ibid*, 1901, pp. 123, 134, 155 and 174.

Sections 76, 77, 79, 80 and Schedule D have been extended to the cantonment of Ahmednagar subject to certain restrictions, and modifications, *see* Gazette of India, 1905, Pt. I, p. 19.

[2] As to the City of Bombay, *see* the City of Bombay Municipal Act, 1888 (Bom. Act 3 of 1888), Vol. III of this Code.

Bom. Act II of 1899.

(2) Of the [1] Bombay Prevention of Adulteration Act, 1899, in section 5 the whole of sub-section (2), and clause (*b*) of sub-section (3), and in section 6, the whole of sub-section (2) are hereby repealed.

Definitions.

3. In this Act and in the schedules, unless there be something repugnant in the subject or context,—

(1) " City Municipality " shall mean any Municipality which

(*a*) is one of those specified in Schedule E, or

(*b*) has been declared under sub-section (1) of section 181 a City Municipality,

and which has not ceased, under sub-section (2) of section 181, to be a City Municipality.

(2) " Councillor " shall mean any person legally a member of a Municipality constituted under this Act.

Bom Act V of 1879.

(3) " Commissioner " shall mean the Commissioner of a Division appointed under the [2] Bombay Land-Revenue Code, 1879, and in Sind, the Commissioner in Sind ; provided that nothing in this Act shall affect the powers of the Governor in Council, under the provisions of Act V of 1868, to delegate any of the powers of the Governor in Council under this Act to the Commissioner in Sind.

[3][(3A) " Municipal Commissioner " shall mean a person appointed under the provisions of section 186A, and shall include a person appointed to act as Municipal Commissioner under sub-section (3) of section 186D.]

(4) " Judge " shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, Joint Subordinate Judge or a Judge appointed under the Dekkhan Agriculturists' Relief [4] [Acts] 1879 to 1895.

(5) " Municipal district " shall mean any local area which is at present a municipal district, and any local area which may hereafter be constituted a municipal district under section 4, if such municipal district has not ceased to exist under the provisions of the said section.

(6) " Land " shall include land which is built upon or covered with water.

(7) " Building " shall include any hut, shed or other enclosure, whether used as a human dwelling or otherwise, and shall include also walls, verandahs, fixed platforms, plinths, door-steps, and the like.

---

[1] *Supra*.

[2] Vol. II of this Code.

[3] This clause was inserted by s. 2 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[4] The word " Acts " was substituted for the word " Act " by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

(*8*) "Owner" shall include the person for the time being receiving the rent of lands and buildings or either of them, whether on his own account or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(*9*) "Salaried servant of Government" shall not include a retired servant of Government in receipt of a pension, or a person in receipt of a salary from Government who is not a full-time servant of Government.

(*10*) "Official year" shall mean the year commencing on the first day of April.

(*11*) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(*12*) "Street" shall mean any road, footway, square, court, alley, or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not;

and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(*13*) "Public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under the provisions of section 90 is declared by the Municipality to be, or under any other provisions of this Act becomes, a public street.

(*14*) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Act.

(*15*) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

(*16*) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic or infectious disease by which the life of man is endangered.

(*17*) "Vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(*18*) "Public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) stocks, debentures or shares in railway or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by an Act of a legislature established in British India, or

(*d*) a security expressly authorized by any order which the Governor in Council makes in this behalf.

(*19*) In Sind the words "Sind Official Gazette" shall be deemed to be substituted for the words "Bombay Government Gazette" wherever they occur in this Act.

CHAPTER II.

Constitution of Municipalities.

(*1*) *Municipal Districts.*

Declaration of municipal districts.

4. (*1*) Subject to the provisions of sections 6, 7 and 8, the Governor in Council may, from time to time, by notification in the Bombay Government Gazette, declare any local area to be a municipal district, and may from

time to time, by a like notification, extend, contract or otherwise alter the limits of any municipal district, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipal district.

Limits to be specified in notification.

(*2*) Every such notification constituting a new municipal district, or altering the limits of an existing municipal district, shall clearly set forth the local limits of the area to be included in or excluded from such municipal district, as the case may be.

Erection and maintenance of boundary-marks.

(*3*) It shall be the duty of the Municipality in every municipal district already existing, and of every Municipality newly constituted under this Act, and of every Municipality whose local limits are altered as aforesaid, to cause, at their own cost, to be erected or set up, if and when so required by the Collector, and thereafter to maintain, at their own cost, substantial boundary-marks of such description and in such positions as shall be approved by the Collector, defining the limits or the altered limits of the municipal district subject to its authority, as set forth in the notification.

Property and rights of Municipality which has ceased to exist to vest in Government.

(*4*) When any local area ceases to be a Municipal district, the Municipality constituted therein shall cease to exist, and the property and rights vested in any such Municipality shall, subject to all charges and liabilities affecting the same, vest in His Majesty, and the proceeds thereof, if any, shall be expended under the orders of the Governor in Council for the benefit of the local areas in which such Municipality had jurisdiction.

Municipal districts to be periodical or permanent.

5. Municipal districts constituted under section 4 may be either periodical or permanent.

What local areas may be declared to be periodical municipal districts.

6. Any local area in which a periodical fair is held or which is visited periodically by pilgrims, together with any neighbouring local area to which the people attending such fair or the pilgrims resort whilst such fair or pilgrimage lasts, may be declared a periodical municipal district at and throughout certain specified recurring seasons.

What local areas may be declared to be permanent municipal districts.

7. (*1*) Any local area which comprises—

(*a*) a city, town or station, or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a permanent municipal district : Provided that, except—

(*a*) in the case of hill-stations, or

(*b*) for exceptional reasons, which shall be clearly set forth in the proclamation under section 8 and in the notification issued under section 4,

it shall not be lawful—

(*i*) to include any city, town, station or suburb in a permanent municipal district with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses ; or

(*ii*) to constitute any municipal district in any area of which the population is less than two thousand.

(*2*) When two or more places bearing different names are formed into one municipal district, the name of the municipal district shall be determined by the Commissioner. Naming of municipal districts comprising two or more places.

8. (*1*) Not less than two months before the publication of any notification declaring any local area a permanent municipal district, or altering the limits of any such district, or declaring that any local area shall cease to be a municipal district, the Governor in Council shall cause to be published in the Bombay Government Gazette, in English, and in at least one of the local newspapers, if any, in the language of the district in which such local area is situated, and to be posted up in conspicuous spots in the said local area in the language of the said district, a [1] proclamation announcing that it is proposed to constitute such local area a municipal district, or to alter the limits of the municipal district in a certain manner, or to declare that such local area shall cease to be a municipal district, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Collector within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipal district any inhabited area, it shall be the duty of the Municipality also to cause a copy of such proclamation to be posted up in conspicuous places in such area. Permanent municipal districts.

(*2*) The Collector shall, with all reasonable despatch, forward every objection so submitted to Government.

(*3*) No such notification as aforesaid shall be issued by the Governor in Council unless the objections, if any, so submitted are, in his opinion, insufficient or invalid.

[1] For instance of such a proclamation, *see* Bombay Government Gazette, 1908, Pt. I.A., p. 21.

(2) *Municipalities.*

Constitution and incorporation of Municipalities.

9. In every municipal district there shall be a Municipality, and every such Municipality shall be a body corporate by the name of "The Municipality of—", and shall have perpetual succession and a common seal, and may sue and be sued in their corporate name.

Municipalities to consist of elected and nominated councillors.

10. (*1*) Except as is hereinafter otherwise provided, every such Municipality shall consist of—

(*a*) elected councillors ;

(*b*) nominated councillors, if any, that is to say, such persons, as from time to time,

(*i*) are by name appointed in this behalf by, or

(*ii*) are executing the functions of any office from time to time notified in this behalf by the Commissioner :

In specified proportions.

Provided that the number of elected councillors shall be not less than one-half of the whole number, inclusive of the president, and that not more than one-half of the nominated councillors shall be salaried servants of Government.

Failure to elect.

(*2*) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected, may, notwithstanding anything in this Act contained, be filled up by nomination by the Commissioner.

The Governor in Council may determine number of councillors ; fix proportion of elected and nominated councillors and make rules for regulating elections.

[1]**11.** (*1*) The Governor in Council shall from time to time, generally or specially for each Municipality,—

(*a*) determine the number of councillors ;

[2](*b*) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated ;

(*c*) make rules consistent with this Act, for

(*i*) fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected ;

(*ii*) prescribing the number to be elected by the rate-payers, or by sections of the inhabitants, or by public bodies or associations, if any, and the qualifications of candidates and of voters other than as hereinafter provided ;

(*iii*) preparing and revising the list of voters from time to time, fixing the date after which no application for enrolment in any such

[1] Section 11 was re-numbered as section 11, sub-section (*1*), by Sch. 1 of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] For notifications issued under this clause, *see* the Bombay Local Rules and Orders.

list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm, or any other association or body of individuals or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised, and prescribing the restrictions, if any, on the number of votes which a voter may give;

(*iv*) determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what judicial authority the appeals as to such entries and omissions shall lie;

(*v*) prescribing the date, subject to the provisions of sub-section (*1*) of section 13 for the publication of the Municipal Election Roll;

(*vi*) regulating generally such elections.

[1] [(*2*) The Governor in Council may from time to time delegate to the Commissioner any or all of the powers granted to the Governor in Council by clause (*c*), sub-clauses (*i*), (*iii*), (*iv*), (*v*) and (*vi*) of this section, subject to such restrictions or conditions, if any, as the Governor in Council may attach to the delegation.]

Persons qualified as candidates are to be entered in the list of voters.

[2] [**12.** Subject to the provisions of section 13 and section 13A and to the disqualifications mentioned in section 15, section 21, sub-sections (*3*) and (*6*) of section 22, and sub-section (*3*) of section 22A, [3] [and subject to any disqualification imposed under any other law for the time being in force],

(*1*) (*a*) every Honorary Magistrate, and

(*b*) every Fellow and every Graduate of any University, and

(*c*) every Advocate of the High Court and every Pleader holding a sanad from the High Court, and.

(*d*) every juror and assessor,

who, for a period of not less than six months next preceding the date on which by the rules referred to in clause (*c*) of section 11 a list of voters is required to be prepared or revised in a municipal district for election purposes, has been resident in such district,

---

[1] Sub-section (*2*) was inserted by Sch. I of the Bombay Decentralization Act, 19[illegible] (Bom. Act 3 of 1915), Vol. V of this Code.

[2] Section 12 was substituted for the original section by s. 3 of the Bombay D[illegible] Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[3] These words were inserted by s. 5 (1) of the Bombay Municipal and [illegible] (Amendment) Act, 1917 (Bom. Act 6 of 1917), Vol. V of this Code.

shall be qualified as a candidate and to be entered in the list of voters for such district; and

(*2*) every person who for the like period has paid the qualifying tax, shall be qualified to be entered in the list of voters for such district; and he shall also be qualified as a candidate if he has been resident for the like period in such district or within seven miles of the limits thereof.

Explanation 1.—For the purposes of this section a person shall be deemed to be resident in or within seven miles of the limits of a municipal district if he ordinarily resides or has his principal place of residence in or within seven miles of the limits of such district.

Explanation 2.—For the purposes of this section 'the qualifying tax' means a tax, other than octroi, toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire, imposed in a municipal district, of an amount not less than such minimum as shall for the time being be fixed for such district by the Governor in Council in the case of City Municipalities and by the Commissioner in other cases.]

Operation of lists.

13. (*1*) When, in accordance with rules framed under sub-clauses (*iii*) and (*iv*) of clause (*c*) of section 11, a list of voters has been prepared or, upon a general revision, completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the Municipal Election Roll. A new Election Roll shall be published in each year on such date as may be prescribed by the rules, and shall continue in operation for a period of twelve months from that day :

Provided that if a new Election Roll is not published in any year before the date prescribed, the roll then in operation shall continue in operation until the new roll is published.

Right to vote to depend on entry in roll.

(*2*) At every election of councillors every person enrolled in the Municipal Election Roll as for the time being in operation under sub-section (*1*) shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

[1][**13A.** A person shall not be qualified to be elected a councillor unless he is enrolled in the Municipal Election Roll :

Provided that if any company, body corporate, or other association of duals is enrolled in the Municipal Election Roll, any one person duly

[1] S. 13A was inserted by s. 4 of the Bombay District Municipal Amendment Act ct 8 of 1914), Vol. V of this Code.

authorized in this behalf to represent such association shall be deemed to be qualified to be elected a councillor.]

Constitution of Municipalities in exceptional cases.

14. (*1*) (*a*) Nothing in the [1] [four] sections last preceding shall apply to any permanent municipal district at a hill-station, or to any permanent municipal district to which, owing to the smallness of such district, or to the backward state or indifference of its inhabitants, or for other such exceptional reason, the Governor in Council shall, in a [2] notification setting forth such reasons and published in the Bombay Government Gazette, at any time declare the provisions of the said sections to be unsuitable.

(*b*) In any such municipal district the Municipality shall consist either entirely of nominated councillors or partly of nominated and partly of elected councillors, in such proportions, and appointed or elected by such persons, in such manner, and subject to such conditions, as the Governor in Council in the notification published under clause (*a*), or in any subsequent notification published as aforesaid, shall think fit to prescribe.

(*c*) It shall be competent to the Governor in Council at any time to alter or rescind any notification issued by him under this section; and in the event of any notification under clause (*a*) being rescinded, the Municipality affected thereby shall, from a date to be fixed in this behalf by the Governor in Council, be constituted in accordance with the [1] [four] sections last preceding.

Periodical municipal districts.

(*2*) The powers and duties conferred and imposed by this Act on Municipalities shall, in a periodical municipal district, be respectively exercised and discharged by a neighbouring Municipality nominated in this behalf by Government, or by a Municipality specially constituted for the time being and consisting of such councillors nominated in such manner as the Governor in Council directs.

Taxes, rules and by-laws in periodical municipal districts.

(*3*) If in any periodical municipal district, any tax has been or shall have been imposed, or any rule or by-law has been or shall have been made, under the provisions of this Act or any Act hereby repealed, such tax, unless and until it has been modified, suspended or abolished, shall be leviable, and such rule or by-law, unless and until it has been altered or rescinded, shall have effect, in such district, throughout each recurring season during which the district is, by virtue of a declaration under section 6, a periodical municipal district.

---

[1] This word was substituted for the word "three" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[2] For notifications issued under this section, *see* Bombay Local Rules and Orders.

(3) Municipal Councillors.

General disqualifications for becoming a councillor.

15. (*1*) No person may be a councillor—

(*a*) who,

(*i*) having been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) having been dismissed from Government service, such dismissal having been notified [1] [in the Bombay Government Gazette] or

(*iii*) being a pleader, whose sanad has been withdrawn by the High Court,

(*iv*) having been removed from office under section 16,

has not, by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf, been relieved from disqualification arising on account of such sentence, or dismissal, or withdrawal of sanad or removal from office, or

(*b*) who is an uncertificated bankrupt or an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or who is of the female sex, or

(*d*) who is a Judge;

and no person

(*e*) who is a subordinate officer or servant of a Municipality, or

(*f*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a Municipality, or in any contract or employment with or under, or by, or on behalf of, a Municipality,

may be a councillor of such Municipality:

Provided that a person shall not be deemed to have incurred such disqualification or to have any share or interest in any such work or in any such contract or employment, by reason only of his—

(*i*) having any share or interest in any lease, sale or purchase of any immoveable property or in any agreement for the same,

(*ii*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Municipality, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Municipality may be inserted, or

[1] These words were substituted for the words "as debarring him from re-employment" by s. 5 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Municipality, or

(*v*) being professionally engaged on behalf of the Municipality as a legal practitioner, or

[1] [(*vi*) having a share or interest in the occasional sale to the Municipality of any article in which he regularly trades, or in the purchase from the Municipality of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the Municipality with the sanction of Government may fix in this behalf, or]

[1] [(*vi A*) having a share or interest in the occasional letting out on hire to the Municipality, or in the hiring from the Municipality, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the Municipality with the sanction of Government may fix in this behalf, or]

(*vii*) being a party to any agreement made with the Municipality under the provisions of [2] [section 71] or of proviso (*a*) to sub-section (*1*) of section 156.

Disabilities from continuing a councillor.

(*2*) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes disqualified under sub-section (*1*), or

(*b*) acts as a councillor in any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in clause (*i*), (*ii*), (*iii*) (*vi*) or (*vii*) of the proviso to sub-section (*1*), or

(*ii*) in which he is professionally interested on behalf of a client, principal or other person, or

(*c*) departs beyond the limits of the presidency with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(*d*) by becoming a salaried servant of Government, causes the number of nominated commissioners who are salaried servants of Government to exceed the proportion prescribed in the proviso of sub-section (*1*) of section 10, or

---

[1] These provisos were substituted for the original proviso by s. 5 (*2*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] These word and figures were substituted for the word and figures "section 73" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[1] [(*e*) not being a president or vice-president or a salaried servant of Government, absents himself during four successive months from the meetings of the Municipality, except with the leave of the municipality,]

he shall be disabled from continuing to be a councillor and his office shall become vacant.

Powers of Government and of the Commissioner to decide whether vacancy has occurred.

(*3*) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Governor in Council in the case of City Municipalities, and of the Commissioner in other cases, shall be final for the purpose of deciding such question or dispute.

Resignation.

[2] [**15A.** Any councillor may resign his office by giving notice in writing to that effect to the president, and the president may resign his office by giving notice in writing to that effect to the Commissioner.]

Liability to removal from office.

16. The Governor in Council [3][in the case of City Municipalities, and the Commissioner in other cases], if he thinks fit, on the recommendation of the Municipality, may remove any councillor elected or appointed under this Act, if such councillor has been gulity of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

17. Councillors nominated or elected at a general election under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled, or are removed from office under section 16, or section 179, hold office for a term of three years, extensible by order of the Commissioner to a term not exceeding in the aggregate four years, if on any occasion the Commissioner shall think fit, for reasons which shall be notified together with the order in the Bombay Government Gazette, so to extend the same.

Casual vacancies how to be filled up.

18. In the event of the death, resignation, disqualification, disability or removal of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so

---

[1] This clause was substituted for the original clause by 5 (*3*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] Section 15A was inserted by s. 6 *ibid.*

[3] These words were inserted by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Re-eligibility of councillors.

19. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors in the Bombay Government Gazette.

20. The names of all councillors finally elected to any Municipality, as well as the names of the nominated councillors, if any, appointed thereto, shall be published, as soon as conveniently may be, in the Bombay Government Gazette.

(4) Municipal Elections.

General disqualifications of voters.

21. No person who is less than twenty-one years of age shall be entitled to vote at any municipal election.

Determination of validity of elections.

22. *(1)* If the validity of any election of a councillor is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held.

Powers of Judge holding inquiry.

(2) [1][An inquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by the Governor in Council either specially for the case or for such cases generally, and such Judge] may, after such inquiry as he deems necessary, and subject to the provisions of sub-section *(3)*, pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Declaration in case of corrupt practice by a candidate.

(3) *(a)* The Judge, if satisfied that a candidate has, within the meaning of sub-section *(4)*, committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that

[1] These words were substituted for the words "The District Judge or such other Judge as may be appointed by the Governor in Council on this behalf" by s. 5 *(2)* of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. Act 6 of 1917), Vol. V of this Code.

election, and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(*4*) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,

(*i*) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person,

or,

(*ii*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(*5*) If the validity of the election is brought in question only on the ground of any error by the officer or officers charged with carrying out the rules made under clause (*c*) of section 11, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Disqualification of candidate for corrupt practice.

(*6*) If the Judge sets aside an election under clause (*a*) of sub-section (*3*), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipal district for a term of years not exceeding seven, and the Judge's decision shall be conclusive: provided, however, that such person may by an order which the Governor in Council is

hereby empowered to make, if he shall think fit, in that behalf, be at any time relieved from such disqualification.

Corrupt practices: criminal offences and procedure.

[1] [**22A.** (*1*) (*a*) Whoever in any election under this Act, directly or indirectly, by himself or by any other person on his behalf, shall, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offer or give any money or valuable consideration or hold out any promise of individual profit or hold out any threat of injury to any person, and

(*b*) whoever shall give, procure, or abet the giving of a vote in the name of a voter, who is not the person giving such vote,

shall be liable to a fine not exceeding two hundred rupees for every such offence.

(*2*) Whoever, being qualified to vote at any election under this Act or claiming to be so qualified, accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any money or valuable consideration or any individual profit as a motive or reward for giving or forbearing to give his vote in any such election shall be liable to a fine not exceeding one hundred rupees for every such offence.

Explanation.—In sub-section (*1*) and sub-section (*2*) "individual profit" includes a benefit accruing to the person himself or to any one in whom he is interested. It does not include a promise to vote for or against any measure which may come before a Municipality for consideration.

(*3*) Every person convicted under sub-section (*1*) or sub-section (*2*) shall, for such period not exceeding seven years from the date of the conviction as the Court may direct, be disqualified from voting at any municipal election or at any election to a local board constituted under the [2] Bombay Local Boards Act, 1884, and from being a councillor in any municipal district or a member of any such local board.

Bom. Act I of 1884.

(*4*) An offence under this section shall not be triable by a Criminal Court inferior to that of a Magistrate of the first class and shall not be triable in a summary way.

(*5*) No Court shall take cognizance of any offence under this section except on the complaint of the Judge who has held an inquiry under section 22, or before whom such inquiry is pending.

---

[1] Section 22A was inserted by s. 2 of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. Act 6 of 1917), Vol. V of this Code.

[2] Vol. II of this Code.

(*6*) No prosecution for an offence under this section shall be instituted except within the six months next after the date of the declaration of the result of the election.

(*7*) An appeal shall lie to the Court of Session against any sentence or order passed by a Magistrate under sub-section (*1*), sub-section (*2*) or sub-section (*3*).]

(*5*) *Presidents and Vice-Presidents.*

Selection of president.

23. (*1*) Every Municipality shall be presided over by a president who shall be selected from among the councillors.

President how appointed or when to be elected.

(*2*) Every president shall be either—

(*a*) appointed by the Governor in Council by name; or

(*b*) an *ex-officio* president, that is to say, a person executing the functions of any office which the Governor in Council from time to time [1] notifies in this behalf; or

(*c*) if the Governor in Council so directs, elected by the Municipality.

Election of vice-president, subject in certain cases to confirmation.

(*3*) There shall be a vice-president for every Municipality elected by the councillors from among their number, but if the president is appointed by the Governor in Council or is president *ex-officio*, the result of the election shall, if, the Governor in Council by general or special order from time to time so directs, be subject to the approval of the Governor in Council, or of the Commissioner.

Effect of notification of *ex-officio* president.

(*4*) When an office has been notified under clause (*b*) of sub-section (*2*), the person from time to time executing the functions of that office shall be and shall continue to be president, unless and until such notification is altered or rescinded by the Governor in Council.

Consequences of absence of president or vice-president without leave.

(*5*) Except in the case of a salaried servant of Government who is either an appointed or an *ex-officio* president, every president, who for a period exceeding three months, and every vice-president who for a period exceeding fifteen days, shall absent himself from the municipal district in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted—

(*a*) by the [2] [Commissioner], in the case of a president appointed under clause (*a*) of sub-section (*2*)

(*b*) by the Municipality, in the case of an elected president or of a vice-president:

---

[1] For notifications appointing *ex-officio* presidents in certain Municipalities, *see* Bombay Local Rules and Orders.

[2] This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

Provided that such leave to a vice-president shall be subject to the approval -

(*i*) of the Governor in Council, in the case of a vice-president elected subject to the approval of the Governor in Council, or

(*ii*) of the Commissioner, in the case of a vice-president elected subject to the approval of the Commissioner.

Limit to grant of leave, and arrangements pending absence of vice-president.

(*6*) Leave under the last preceding sub-section shall not be granted for a period exceeding six months, and whenever leave is granted to a vice-president under that sub-section a councillor shall be elected, subject to the conditions to which the election of the vice-president so absenting himself was subject, to perform all the duties and exercise all the powers of a vice-president during the period for which such leave is granted.

Liability of president and vice-president to removal and term of office.

(*7*) Every president and every vice-president shall be removable from his office as such president or vice-president by the Governor in Council for misconduct, or neglect of or incapacity to perform his duty, and the term of office of every president, and of every vice-president, shall cease on the expiry of his term of office as councillor.

Vacancies in their office how to be filled up.

(*8*) In the event of the death, resignation or removal from office of a president, other than an *ex-officio* president, or of a vice-president, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (*2*) of section 15, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by the appointment or election, as the case may be, of some other councillor thereto.

Municipal government vests in the Municipality.

[1][**23 A.** (*1*) Except as in this Act otherwise expressly provided the municipal government of a municipal district vests in the Municipality.

(*2*) In a municipal district for which there is a Municipal Commissioner the executive power for the purpose of carrying out the provisions of this Act vests in the Municipal Commissioner subject, wherever it is in this Act expressly so directed, to the approval or sanction of the Municipality and subject also to all other restrictions, limitations and conditions imposed by this Act.]

Functions of president.

24. (*1*) It shall be the duty of the president of a Municipality to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the Municipality, and subject to the provisions of the rules for

---

[1] Section 23A was inserted by s. 7 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

the time being in force under clause (*a*) of section 46 to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the Municipality, and, subject to the rules of the Municipality at the time being in force, to perform such executive functions as may be performed by or on behalf of the Municipality over which he presides;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the Municipality in matters of executive administration and in matters concerning the accounts and records of the Municipality; and, subject to the rules of the Municipality at the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*d*) furnish to the Collector, or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the Municipality and any extract from the minutes of the proceedings of the Municipality or of any committee or other document or thing which the Collector from time to time calls for under section 173:

Functions of Municipal Commissioner.

[1][Provided that in a municipal district for which there is a Municipal Commissioner, the duties and powers of the president under clauses (*b*), (*c*) and (*d*) of this sub-section shall, subject to the provisions of this Act and save where it is otherwise expressly provided in this Act, be performed and exercised by such Municipal Commissioner.]

President in what cases to have only a casting vote.

(2) When the president of a Municipality is a salaried servant of Government, and is either an *ex-officio* president or has been appointed to be president by the Governor in Council, he shall not vote upon any questions which come before such Municipality for decision unless there is an equality of votes of the other councillors present for and against the proposition under consideration, in which case he shall have a casting vote.

Functions of vice-president.

25. It shall be the duty of the vice-president of a Municipality

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the Municipality and he shall

---

[1] This proviso was added by s. 8 of the Bombay District Municipal (Amendment) Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

when so presiding exercise the same authority as is vested in the president under [1] [clause (*a*) of] sub-section (*1*) of section 24;

(*b*) to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him; and

(*c*) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

CHAPTER III.

Conduct of Business.

(*1*) *Municipal meetings.*

26. The following provisions shall be observed with respect to the meetings of a Municipality :— Provisions in regard to meetings of a Municipality.

(*1*) Except in periodical Municipalities and in Municipalities at hill-stations, there shall be held four ordinary general meetings in each year for the disposal of general business, on or about the tenth day of the months of January, April, July and October, respectively, and such other ordinary general meetings as the president may find necessary. In Municipalities at hill-stations there shall be held one ordinary general meeting on or about the tenth day of April, and not less than one other ordinary general meeting for the purpose aforesaid, in each year. In every periodical Municipality there shall be such and so many ordinary general meetings, as the president thereof shall from time to time determine. It shall be the duty of the president to fix the dates for all ordinary general meetings. Ordinary general meetings.

(*2*) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the councillors, call a special general meeting. Special general meetings.

(*3*) Seven clear days' notice of an ordinary general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be circulated to the councillors, and posted up at the municipal office or the local kacheri or some other public building in the municipal district. The Notice to be given of meetings.

---

[1] These words were inserted by s. 1 of the Bombay District Municipal Amendment Act, 1904 (Bom. Act, 4 of 1904), *infra*.

said notice shall include any motion or proposition which a councillor shall have given written notice not less than ten days previous to the meeting of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting.

Municipal meetings to be held at municipal office.

(4) Every meeting of a Municipality shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such Municipality.

Every meeting how presided over in the absence of the president and the vice-president.

(5) Every meeting shall, in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (*1*) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Municipality such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If in a City Municipality less than one-third, and in any other Municipality less than one-half, of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

What business to be transacted at meetings and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting or, in the case of a special general meeting, in the written request for such meeting. The order in which any business that may be transacted or any proposition that may be discussed at any meeting in accordance with this sub-section, shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition

shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*9*) In every City Municipality there shall be kept in English, and, if the Municipality so resolve, in the vernacular language also, and in every other Municipality there shall be kept in the vernacular language, and if the Municipality so resolve in English, either in lieu of or in addition to the vernacular, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (*14*), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipal district. Min proc ings kept

(*10*) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority, save as provided in sub-section (*2*) of section 24, having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46. All tion deci a m of v

(*11*) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place. Adj men mee

(*12*) No resolution of a Municipality shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors, and passed at the general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (*3*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution. Mod tion canc tion solu

(*13*) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the Municipality by a Government Executive Engineer, or to any educational matter, shall be transacted at any meeting of a Municipality unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer or to the Educational Inspector of the district, informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business. Not cert busi be g to t Gov Exe Eng or I tion Ins

Certain Government officers may attend meetings of Municipalities.

(*14*) (*a*) The members of the Sanitary Board, and the Executive Egineer, Educational Inspector and Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district when charged with any of the duties of a health officer therein, if not members of a Municipality within the district, shall have the right of being present at any meeting of such Municipality, and, with the consent of the Municipality, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such Municipality :

Provided that the said officers shall not, unless they are members of the Municipality, be entitled to vote upon any such question.

Municipalities may require the presence of the said officers at their meetings.

(*b*) If it shall appear to a Municipality that the presence of the Executive Engineer, Educational Inspector, Deputy Sanitary Commissioner or Civil Surgeon of or in the district, is desirable for the purpose aforesaid at any future meeting of such Municipality, it shall be competent to such Municipality, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat ; and the said officer unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting :

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

Right of Municipal Commissioner to be present and to speak at municipal meetings.

[1][**26A.** A Municipal Commissioner shall have the same right of being present at a meeting of the Municipality and of taking part in the discussions thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.]

(*2*) *Committees.*

Managing committees.

27. (*1*) In every Municipality there shall be a committee called the managing committee, consisting of such number of councillors not exceeding nine or less than four, as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 46 :

---

[1] Section 26A was inserted by s. 9 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

Provided that in any municipal district where there is a Chamber of Commerce, such Chamber shall, if the Governor in Council so directs, be entitled to elect one councillor to be a member of the managing committee.

Powers of managing committees.

(2) The managing committee shall, subject

(i) to any limitations prescribed by the Municipality specially in this behalf and generally by rules made under clause (a) of section 46, and

(ii) to the provisions of Chapter XIII [1] [and Chapter XIIIA],

exercise all the powers of the Municipality:

Provided that no managing committee shall exercise—

(a) any powers in connection with any school or educational institution in respect of which a committee is appointed under section 28, or

(b) any powers with which any committee appointed under section 29 is vested.

School committees.

28. The Municipality may appoint, subject to such limitations as are prescribed by the rules for the time being in force under section 46 and subject also to the proviso contained in [2][section 58], a committee consisting of such councillors as they think fit, for managing all or any primary or other schools vested in or maintained by the Municipality, or for conducting the business of the Municipality in respect of any educational institutions aided by the Municipality.

Other executive committees.

29. Subject to the limitations prescribed by the rules aforesaid, the Municipality may appoint, for a period not exceeding one year, any such committee or such or so many committees consisting of such councillors as they think fit for any purpose or respectively for any of the purposes, other than those specified in section 28, for which a managing committee may, under section 27, exercise the powers of a Municipality, and may invest each committee so appointed with such of the said powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed.

Consultative committees.

30. The Municipality may from time to time appoint such or so many other committees consisting of such councillors as they think fit, and may refer to such committees for inquiry and report, or for opinion, such special subjects relating to the purposes of this Act as the Municipality shall think fit, and may at any time discontinue, or alter the constitution of, any such

[1] These words were inserted by s. 10 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] This word and figures were substituted for "section 59" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

committee. The Municipality may direct that the report of any such committee shall be made to the managing committee, instead of to the Municipality.

When persons other than councillors may serve on committees.

31. Notwithstanding anything contained in this Act, it shall be lawful for the Municipality from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 28, 29 or 30, any persons of either sex, who are not councillors, but who may in the opinion of such Municipality possess special qualifications for serving on such committee : provided that the number of persons so appointed on any committee shall not exceed one-third of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground of sex, be applicable so far as may be to such persons.

Casual vacancies—re-eligibility.

32. A vacancy occurring in a managing committee shall, as soon as possible, and a vacancy occurring in any other committee may be filled up by the election of a member from among the general body of councillors subject to the same provisions as those under which the member whose place is to be filled up, was elected. A councillor shall be eligible at any time for re-election as a member of any such committee notwithstanding that he has previously been a member of that committee.

When chairman to be *ex-officio*.

33. (*1*) The president or vice-president, if appointed a member of any committee, shall be *ex-officio* chairman thereof.

When no *ex-officio* chairman, Municipality may appoint chairman.

(*2*) The Municipality may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When *ex-officio* or appointed chairman does not attend meeting) committee may appoint chairman of meeting.

(*3*) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the Municipality, shall, at each meeting which such chairman does not attend as chairman, appoint from its members a chairman for such meeting.

(*4*) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the Municipality, shall appoint from time to time its own chairman from among its own members.

If the no ch *ex-off* appoi by th cipali comm may chair

34. (*1*) The provisions of sub-sections (*4*), (*9*), (*10*) and (*14*) of section 26 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a Municipality contained in those provisions, and as if for the word "Municipality," where it occurs in the proviso to clause (*a*) of sub-section (*14*) of section 26, there were substituted the word "committee":

Proce mecti

[1] [Provided that, notwithstanding anything to the contrary contained in sub-section (*9*) of section 26, committees may record their proceedings either in English or in the vernacular language, as they may think fit.]

(*2*) Committees may meet and adjourn as they think proper, but the chairman of the committee may, whenever he thinks fit, and shall, upon the written request of the president of the Municipality or of not less than two members of a committee, call a special meeting of such committee.

Com may when think prop

(*3*) No business shall be transacted at any committee meeting unless more than one-half of the members of the committee be present thereat.

Num mem requ to fo quor com mee

35. (*1*) Notwithstanding anything contained in the preceding section the chairman of the committee, whenever it appears to him unnecessary to convene a meeting, may, instead of so doing, circulate a written proposition of his own, or of any other member of the committee, or of any executive officer of the Municipality, for the observations and votes of the members of the committee.

Proc by c lar.

(*2*) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (*13*) of section 26, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the Municipality would be entitled to require under the provisions of clause (*b*) of sub-section (*14*) of section 26, desires to record.

Pro tion to b to G mer offic rem

[1] This proviso was added by s. 11 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

Decisions how to be taken on propositions circulated; and how to be recorded.

(*3*) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

(*4*) Every decision arrived at by the committee under this section shall be recorded in the minute-book kept under sub-section (*9*) of section 26.

Procedure by circular when applicable to other municipal business.

(*5*) Notwithstanding anything in this Act contained, the [1][Commissioner] may by [2] notification authorize the adoption by any Municipality specified in such notification not being a City Municipality, of the procedure prescribed by this section for the disposal of any business, whenever the president of such Municipality may deem it unnecessary to convene a general meeting for the purpose of such business.

Subordination of committees to instructions of Municipality and compliance with requisitions of Municipality.

36. (*1*) Every committee shall conform to any instructions that may from time to time be given to them by the Municipality; the Municipality may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorized or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Order subject to revision and appeal.

(*2*) Every order passed by a managing committee or by a committee appointed under section 28 or 29, other than orders under sub-section (*3*) of section 65, shall be subject to such revision, and open to such appeal as may be required or allowed in respect thereof by any rules of the Municipality for the time being in force under section 46.

(*3*) *Delegations of powers to individuals.*

Powers, duties and functions may be delegated to officers whose expenses may be paid.

37. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipality may be delegated in accordance with rules to be made by the Municipality in this behalf, to the president or to the vice-president, or to the chairman of the managing, school, or other committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer in a City Municipality under Chapter XIII or on any committee by or under section 27, 28 or 29; and each person, who exercises any power or

---

[1] This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] For notifications under this clause, *see* the Bombay Local Rules and Orders.

performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein :

[1] [Provided that in a municipal district for which there is a Municipal Commissioner the powers or duties or executive functions under this Act or under any rule or by-law made hereunder conferred or imposed upon or vested in the Municipal Commissioner shall not be delegated save as provided in section 186-M.]

(4) Validity of proceedings.

Acts and proceeding of Municipality and committees not vitiated by disqualifications, etc., of members thereof.

38. (*1*) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Municipality or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be good and valid, until the contrary is proved.

(*2*) Until the contrary is proved, every meeting of the Municipality, or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect Municipality's proceedings.

(*3*) During any vacancy in a Municipality or committee the continuing councillors or members may act as if no vacancy had occurred.

(5) Joint transactions with other bodies.

Joint committees of two or more Municipalities or other local bodies.

39. A Municipality may from time to time—

(*a*) join with any other Municipality or with any local board, cantonment authority, sanitary board, sanitary committee or committee appointed for an area notified under Chapter XIV, or with more than one such Municipality, board, authority or committee—

(*i*) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee; and

---

[1] This proviso was added by s. 12 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

(*ii*) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by either or any of such bodies; and

(*iii*) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed; and

Agreement for joint levy of octroi.

(*b*) enter, subject to the sanction of the Governor in Council, into an agreement with a Municipality, cantonment authority or committee appointed for an area notified as aforesaid, regarding the levy of octroi duty whereby the octroi duties respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area comprising the districts subject to the control of the said bodies.

[1][*Explanation.*—For the purpose of this clause, octroi duty includes a terminal tax.]

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Governor in Council, or of such officer as he appoints in this behalf, shall be final.

(*6*) *Contracts.*

Competency of Municipality to lease, sell and contract;

40. (*1*) Every Municipality shall be competent, subject to the [2][restriction] contained in sub-section (*2*), to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by them, and so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as they may consider necessary or expedient in order to carry into effect the said provisions and purposes.

subject in certain cases to sanction of Commissioner.

(*2*) In the case of every lease of immoveable property for a term exceeding seven years, and of every sale or other transfer, of any such property the previous sanction of the Commissioner is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(*3*) In the case

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immoveable property,

[1] This Explanation was inserted by s. 2 of the Bombay District Municipal Amendment Act, 1920 (Bom. Act 3 of 1920), Vol. V of this Code.

[2] This word was substituted for the word "restrictions" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

(*b*) of every contract which will involve expenditure, not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the Municipality by a resolution passed at a general meeting is required.

Sanctio Munici when requisi other c

(*4*) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to a Municipality, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts, exceeds

(*a*) in the case of a City Municipality, Rs. 500,

(*b*) in the case of any other Municipality, Rs. 250,

the sanction of the Municipality is required.

Sanctio commit and individ empow

(*5*) In the case of every contract not otherwise provided for in the preceding sub-sections of this section the sanction of the managing committee, or of such other committee, or of such individual as under the provisions of this Act or of the rules for the time being in force thereunder, is empowered on this behalf, is required.

Mode o executi contract

(*6*) Every contract entered into, by or on behalf of a Municipality other than a contract to which sub-section (*5*) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the Municipality. Every contract to which sub-section (*5*) applies shall be executed by the chairman of the managing committee, or by the chairman of such other committee, or by such other individual, as is empowered in that behalf in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalid of con- tracts unless require ments this se are ful- filled.

(*7*) No contract shall be binding on a Municipality in any case referred to in this section, unless all such requirements as are specified in sub-section (*2*), (*3*), (*4*) or (*5*) in respect of such case are fulfilled, and unless it is executed in accordance with the provisions of sub-section (*6*) applicable thereto.

This se tion to subject the pro sions o Chapte XIIIA

[1] [(*8*) The provisions of this section shall be subject to the provisions of Chapter XIIIA.]

[1] Sub-section 8 was added by s. 13 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

(7) *Compulsory acquisition of land.*

Recourse to the Land Acquisition Act, 1894.

41. When there is any hindrance to the permanent or temporary acq tion, upon payment, of any land or building required for the purposes of Act, the Governor in Council may, after obtaining possession of the for Government under the [1]Land Acquisition Act, 1894, or other exis law, vest such land or building in the Municipality on their paying compensation awarded, and on their repaying to Government all costs incu by Government on account of the acquisition.

(8) *Liabilities of councillors, officers and servants.*

Councillors to be held responsible for misapplied funds.

42. Every councillor shall be personally liable for the misapplicatio any fund to which he shall have been a party, or which shall have happ through, or been facilitated by, gross neglect of his duty as a councillor, may be sued for recovery of the moneys so misapplied as if such moneys been the property of Government :

Municipal funds ordinarily liable for all costs and expenses incurred.

Provided that no councillor shall be personally liable in respect of contract or agreement made, or for any expense incurred, by, or on be of, the Municipality ; the funds at the disposal of each Municipality sha liable for, and be charged with, all costs in respect of any such contra agreement and all such expenses.

Officer or servant of any Municipality not to be interested in any contract with such Municipality.

43. (*1*) Any person who has, directly or indirectly, by himself o partner, any share or interest in any contract with, by or on behalf of a M cipality, or in any employment with, under, by or on behalf of a Municipa other than as a municipal officer or servant, shall be disqualified for bein officer or servant of such Municipality.

Effect of acquiring such interest.

(*2*) Any municipal officer or servant who shall acquire, directly o directly, by himself or his partner, any share or interest in any such cont or employment as aforesaid, shall cease to be a municipal officer or servant his office shall become vacant.

Saving clause.

(*3*) Nothing in this section shall apply to any such share or interes any contract or employment with, under, by or on behalf of a Municipa as under clauses (*ii*) and (*iv*) of the proviso to sub-section (*1*) of section it is permissible for a person to have without his being thereby disqua for being a councillor.

[1] General Acts, Vol. IV.

44. (*a*) Any councillor, who knowingly acquires, directly or indir any share or interest in any contract or employment with, under, by behalf of a Municipality of which he is a member, not being a share or int such as, under section 15, it is permissible for a person to have, without thereby disqualified for being a councillor, and

(*b*) any municipal officer or servant who knowingly acquires, direct indirectly, any share or interest in any contract, or, except in so far as con his own employment as municipal officer or servant, in any employment under, by or on behalf of a Municipality of which he is an officer or se not being a share or interest such as, under clauses (*ii*) and (*iv*) of the pr to sub-section (*1*) of section 15, it is permissible for a person to have wi being thereby disqualified for being a councillor,

shall be liable, on conviction before a Criminal Court, to a fine may extend to five hundred rupees.

45. (*a*) Every person holding the post of councillor or of an offi servant of a Municipality, and every person authorized by the Municipali collect or recover on behalf of the Municipality any tax, who

(*i*) accepts or obtains or agrees to accept, or attempts to obtai himself or for any other person, any gratification whatever, than legal remuneration, as a reward for doing, or forbearin do, any official act, or for showing, or forbearing to show, i exercise of his official functions, favour or disfavour to any p or for rendering, or attempting to render, any service or dis-s to any person, with the Municipality or with any public se or with any municipal committee, officer or servant, as su with Government, or

(*ii*) does any act for which, or omits to do any act for the omissi which, if he were a public servant within the meaning XLV of 1860. [1] Indian Penal Code, he would be liable to punishment, enhanced punishment, under that Code; and

(*b*) every person who

(*i*) falsely pretends that he holds such post or is so authorized as said, and in such assumed character, does or attempts to d act under colour of the character so assumed, or

(*ii*) does any such act or is guilty of any such omission, to, or in re to, any person holding such post or authorized as aforesaid such intention or knowledge or in such circumstances as if the person holding such post or authorized as aforesaid

[1] General Acts, Vol. I.

„public servant within the meaning of the [1] Indian Penal C
render the person so doing that act or so omitting as afore
liable to punishment or enhanced punishment under that Code

shall, if no punishment is, in such behalf, provided elsewhere in this Act liable to the punishment to which for the like offence he would, if e person holding such post or authorized as aforesaid were a public ser within the meaning of the [1] Indian Penal Code, be liable under that Code.

CHAPTER IV.

RULES AND BY-LAWS.

Municipalities to make rules;

46. Every Municipality shall, as soon as conveniently may be after constitution thereof, [2] [and subject to the provisions of Chapter XII make and may from time to time alter or rescind rules, but not so a render them inconsistent with this Act,

regulating the conduct of business;

(*a*) regulating the conduct of their business and the delegation of of their powers or duties and, subject to the provisions of section 27 appointment and constitution of committees;

fixing the functions of the president and the establishment;

(*b*) determining

(*i*) the executive functions to be performed by the president, president, the chairman of any committee, and, subject to provisions of Chapter XIII, in City Municipalities by the officer, [3] [and, subject to the provisions of Chapter XIIIA, the Municipal Commissioner] and the delegation of any of powers or duties to such persons;

(*ii*) the staff of officers and servants to be employed by the Municipality and the respective designations, duties, salaries, fees absentee or other allowances of such officers and servants, the powers and duties delegated to them under section 37;

for general guidance of municipal servants;

(*c*) generally for the guidance of their officers and servants in matters relating to the municipal administration;

fixing the amount of the security to be furnished;

(*d*) fixing the amount and nature of the security to be furnished by officer or servant from whom it may be deemed expedient to require securit

[1] General Acts. Vol. I.

[2] These words were inserted by s. 14 (*l*) of the Bombay District Municipal Am ment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[3] These words were inserted by s. 14 (*2*) *ibid.*

(*e*) subject to the provisions of section 184, determining the mode and conditions of appointing, punishing, or dismissing any [1] * officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any [1] * officer or servant;

deter mode appoi etc., pal se deleg power appoi etc ;

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

grant leave muni serva

(*g*) regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities or compassionate allowances and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relatives of any such officers or servants whose death has been caused through the execution of their duty;

fixing sions,

(*h*) authorizing the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules to any pension or provident fund which may be established by the Municipality or with the approval of the Municipality, by the said officers and servants;

contr ing t provi fund

(*i*) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipal district for municipal purposes, the grounds on which exemptions are to be recognized, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes, and the limits of the charges or payments to be fixed in lieu of any tax under section 71, and the fees to be charged for licenses or permissions granted under section 70, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons authorized to receive payment of any sums so leviable;

presc ing t taxes to be levie muni purp

(*j*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax may be written off as irrecoverable,

for w off amou

---

[1] The word "such" was repealed by s. 2 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. Act 4 of 1904), *infra*.

due and remitting fees.

and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the managing committee :

Provided that—

Approval required to rules.

(*a*) No rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the Governor in Council, or in other cases by the Commissioner. [1] [Provided that, in the case of City Municipalities, the approval may be given by the Commissioner, instead of by Government, in respect of rules framed under clause (*b*) (*ii*), subject to the condition that any such rules relating to Chief Officers, Health Officers or Engineers, or to the salaries, fees or absentee or other allowances of such officers shall require the sanction of Government.]

Proviso as to officers transferred from or to the service of Government.

(*b*) If an officer serving or having served under a Municipality has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a Municipality, the Municipality shall contribute to his pension and leave allowances to the extent required by the rules in force for the time being, made by the Governor General in Council in this behalf.

Notice required in certain cases of dismissal.

(*c*) The Municipality shall not, unless with the assent of Government, dispense with the services of any such officer transferred from the service of Government to the service of the Municipality or employed partly by Government and partly by the Municipality, or finally dismiss from the service of the Municipality any officer transferred from the service of the Municipality to the service of Government, without giving Government six months' previous notice.

Power to suspend, reduce or abolish any existing tax.

47. Subject to the requirements of clause (*a*) of the proviso to section 46, every Municipality may, except as otherwise provided in clause (*b*) of the proviso to section 74, at any time for any sufficient reason, suspend, reduce or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax under the provisions of clause (*i*) and of the first clause of the proviso to section 46.

Power to make by-laws :

48. (*1*) Every Municipality may from time to time, with the previous sanction, in the case of City Municipalities, of the Governor in Council, or in other cases of the Commissioner, make, alter or rescind by-laws, but not so as to render them inconsistent with this Act,

for markets and slaughter-houses, etc., etc. ;

(*a*) for the regulation and inspection of markets and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce

[1] These words were added by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

of which is sold, and for the proper and cleanly conduct of business therein; and for fixing the rents and other charges to be levied, for the use of any of them which belong to the Municipality;

for licensing, regulating and inspecting certain businesses;

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipality,

(*i*) as a slaughter-house,

(*ii*) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables,

(*iii*) for any of the purposes mentioned in sub-section (*1*) of section 151,

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom;

for licensing the use of steam whistles, etc.;

[1] [(*bb*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical means in factories or other places for the purpose of summoning or dismissing workmen or persons employed;]

regulating the stalling of cattle, etc.;

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

for regulating dairies and cattle-sheds;

(*d*) (*i*) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-men or milk-sellers;

milk-stores, etc.;

(*ii*) for securing the cleanliness of milk-stores, milk-shops and vessels used by milk-sellers or buttermen for milk or butter;

for inspection of weights and measures;

(*e*) for the inspection of weights and measures under section 148;

for defining standard weights and measures;

[2] [(*ee*) for defining the standard weights and measures used within the municipal district;]

---

[1] This clause was inserted by s. 15 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] This clause was inserted by s. 3 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. Act 4 of 1904), *infra*.

for registration of births, etc.;

(*f*) for the registration of births, deaths and marriages, and the taking of a census within the municipal district and for enforcing the supply of such information as may be necessary to make such registration or census effective;

regulating the disposal of the dead;

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

for enforcing supply of information as to epidemics;

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 144 and 145;

for enforcing information as to liability to municipal taxation;

(*i*) for enforcing the supply of such information by inhabitants of the municipal district as may be necessary to ascertain their respective liabilities to any tax imposed therein;

octroi by-laws;

(*j*) fixing octroi limits and stations; providing for the exhibition of tables of octroi; regulating, subject to any general or special orders which the Governor General in Council may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipal district; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

for protecting water;

(*k*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water, whether within or without the limits of the municipal district; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works, and of pipes and fittings in connection therewith, whether the property of the Municipality or not;

regulating public baths, etc.;

(*l*) regulating the use of public bathing and washing places within municipal limits;

for conservancy;

(*m*) regulating sanitation and conservancy and the disposal of carcasses of dead animals;

(*n*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets and regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health; regulating structures and buildings;

(*o*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets; for providing for streets;

(*p*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air; for ensuring ventilation;

(*q*) in a City Municipality, prescribing the qualifications of surveyors or persons by whom plans required under section 96 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses; and for modifying the provisions of, or revoking such licenses; and prohibiting any alterations or repairs or fittings to water or drainage-pipes or house-connections being carried out or made, except by such persons; requiring qualified surveyors in City Municipalities.

(*r*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description whether the property of the Municipality or not; control of drains;

(*s*) determining the information and plans to be required by the Municipality under sections 91 and 96; requiring information and plans in certain cases;

(*t*) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over any street, except under such conditions as to time, mode of traction of locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor, as may be prescribed in such by-laws: for controlling unwieldy traffic, and

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of

such prohibition shall have been posted up by the Municipality in conspicuous places at or near both ends of such street or portion of a street;

regulating municipal administration.

(*u*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every Municipality may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

Publication of drafts of proposed by-laws.

(*2*) Every Municipality shall, before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(*3*) When any by-law made by a Municipality is submitted to the Governor in Council or Commissioner for sanction, a copy of the notice published as aforesaid, and of every objection or suggestion so made, shall be submitted for the information of the Governor in Council or Commissioner along with the said by-law.

Rules and by-laws to be printed and sold.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in the vernacular language of the district, and in City Municipalities in English as well as in the vernacular, shall be kept on sale at cost price.

CHAPTER V.

Municipal Property and Fund.

Power to acquire and hold property.

50. (*1*) Every Municipality may acquire and hold property both moveable and immoveable, whether within or without the limits of the municipal district.

Property vested in the Municipality.

(*2*) All property of the nature hereinafter in this section specified, and not being specially reserved by the Governor in Council, shall be vested in and belong to the Municipality, and shall, together with all other property, of what nature or kind soever, not being specially reserved by the Governor

in Council, which may become vested in the Municipality, be under their direction, management and control, and shall be held and applied by them as trustees, subject to the provisions and for the purposes of this Act; that is to say—

(*a*) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts, and public buildings of every description.

(*b*) All public streams, tanks, reservoirs, cisterns, wells, springs aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(*c*) All public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any streets, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter, or filth, or rubbish of any kind collected by the Municipality from the streets, houses, privies, sewers, cesspools or elsewhere.

(*d*) All public lamps, lamp-posts, and apparatus connected therewith, or appertaining thereto.

(*e*) All lands transferred to them by the Secretary of State for India in Council, or by gift or otherwise, for local public purposes.

(*f*) All public streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

[1] [**50A.** (*1*) In any municipal district to which a survey of lands other than lands ordinarily used for the purposes of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Municipality, or by any person as against the Municipality, it shall be lawful for the Collector after formal inquiry, of which due notice has been given, to pass an order deciding the claim. Decision of claims to property by or against the Municipality.

(*2*) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed by the Collector under sub-section (*1*), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204 of the Bombay Land-

[1] Section 50A was inserted by s. 1 of the Bombay District Municipal Amendment Act, 1912 (Bom. Act 10 of 1912), Vol. V of this Code.

Revenue Code, 1879, [1] shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has had due notice of such order. Bom. Act V of 1879.

(*3*) (*a*) The powers conferred by this section on a Collector may also be exercised by an Assistant or Deputy Collector or by a Survey Officer as defined in the [1] Bombay Land-Revenue Code, 1879. Bom. Act V of 1879.

(*b*) The formal inquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(*c*) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Governor in Council.]

Municipal Fund.

51. All moneys received by or on behalf of the Municipality by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by them under this Act; all proceeds of land or other property sold by the Municipality, and all rents accruing from their land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Secretary of State for India in Council or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in [2] [section 50]:

Provided that—

Provision as to special trusts.

(*a*) nothing in this section, or in [2] [section 50], shall in any way affect any obligations accepted by or imposed upon any Municipality by any declarations of trust executed by or on behalf of such Municipality, or by any scheme settled under the [3] Charitable Endowments Act, 1890, for the administration of any trust; VI of 1890.

When special trusts may be created.

(*b*) a Municipality may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on them by section 54, 55 or by or under section 61, or 72, or Chapter XII, credit to a separate heading in the municipal accounts any portion of the municipal fund received by them specially for, or devoted by them to, the purposes of schools or dispensaries or of water-works or fire-brigades, or other such purposes as the Commissioner in this behalf approves, and, provided that there shall be credited to such special heading such sums only as expressly relate to the object for which the fund designated by such heading was created,

[1] Vol. II of this Code.

[2] These word and figures were substituted for the words "the last preceding section" by s. 2 of the Bombay District Municipal Amendment Act, 1912 (Bom. Act 10 of 1912). Vol. V of this Code.

[3] General Acts, Vol. IV.

the Municipality may apply the sums so credited exclusively to the respective objects to which they are so credited.

Municipal property and funds how to be applied.

52. All property vested in the Municipality under this Act, and all funds received by them in accordance with the provisions of this Act, and all sums accruing to them under the provisions of any law for the time being in force, shall be applied, subject to the provisions and for the purposes of this Act, within the limits of the municipal district:

Provided always that it shall be lawful for the Municipality, with the sanction of the Governor in Council or any officer duly authorized by him in this behalf,—

(*a*) to incur expenditure beyond the said limits,—

(*i*) in the acquisition of land, or

(*ii*) in the construction, maintenance or repair of works,

for the purpose of obtaining a supply of water required for the inhabitants of the municipal district, or of establishing slaughter-houses or places for the disposal of night-soil or sewage or carcasses of animals beyond the said limits, or for drainage-works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said district; or

(*b*) to make a contribution towards expenditure incurred by any other Municipality, or in any area subject to the authority of a local board or cantonment authority, or Sanitary Board or Committee, or of a Committee appointed under section 188 for an area notified under section 187, or incurred out of any public funds for measures affecting the health, instruction or convenience of the public and calculated to benefit the residents within the limits of the contributing Municipality; or

(*c*) to create scholarships tenable outside the limits of the municipal district:

Provided, further, that nothing in this section, or in any other provision of this Act, shall be deemed to make it unlawful for a Municipality, when with such sanction as aforesaid they have constructed works beyond the limits of the said district for the supply of water or for drainage as aforesaid,

(*a*) to supply or extend to, or for the benefit of, any person or buildings or lands in any place [1] * * * *, whether such place is or is not within the limits of the said district, any quantity of water

[1] The words "throughout the line of country in which such works are situate, or contiguous to such line of country" were repealed by s. 1 of the Bombay District Municipal Amendment Act, 1903 (Bom. Act 3 of 1903), *infra*.

not required for the purposes of this Act within the said district, or the advantages afforded by the system of such drainage-works, on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the Municipality and such person or the occupier or owner of such buildings or lands, or

(*b*) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes, or other works necessary for the purpose of such supply or for the extension of such advantages.

Power to deposit and invest surplus funds.

53. (*1*) It shall be lawful for the Municipality to deposit at interest with the Bank of Bombay, or such other bank as may hereafter be appointed to conduct the business of His Majesty's Treasury at Bombay, or with the sanction of the Governor in Council in any bank in the Presidency of Bombay, any surplus funds in their hands which may not be required for current charges, and to invest such funds in public securities in the name of the Municipality, and from time to time to dispose of such securities as may be necessary.

Surplus not so deposited or invested how to be dealt with.

(*2*) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (*1*), be deposited in the local Government Treasury or such other place of security as may be sanctioned in the rules of the said Municipality.

CHAPTER VI.

Obligatory and Discretional Functions of Municipalities.

Duties of Municipalities.

54. It shall be the duty of every Municipality to make reasonable provision,

(*1*) for the following matters within the municipal district under their authority, namely :

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipality or not ; removing noxious vegetation ; and abating all public nuisances ;

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipality or belong to His Majesty;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary-marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows or buffaloes required within the municipal district for the supply of animal lymph;

(*o*) establishing and maintaining public hospitals and dispensaries and providing public medical relief;

(*p*) establishing and maintaining primary schools;

(*q*) printing such annual reports on the municipal administration of the district as the Governor in Council by general or special orders requires the Municipality to submit;

(*r*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the Municipality for the purposes of this Act or for the protection of any municipal property [1] * * *,

and subject to such reasonable provision as aforesaid,

---

[1] The words and figures "and providing such accommodation as may be required by Government under section 77 of the Bombay District Police Act, 1890" were repealed by s. 3 and Sch. II, Pt. II, of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

(2) for the following special matters, namely :

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak of, or to suppress and prevent the recurrence of the disease;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipal district.

Provision for lunatics and lepers.

55. Every Municipality shall also, out of the municipal property and fund, make payments at such rates as the Governor in Council from time to time by general or special orders prescribes, for the maintenance and treatment either in the municipal district or at any asylum, hospital or house, whether within or without such district, which the Governor in Council declares by notification to be suitable for such purpose,

(*a*) of lunatics, not being persons for whose confinement an order under Chapter XXXIV of the [1] Code of Criminal Procedure, 1898, is in force, and V of 1898.

(*b*) of [2] lepers,

habitually resident within, or under any enactment for the time being in force removed from, such district :

Provided that in any case in which under any law for the time being in force the charges of the lodging, maintenance, clothing, medicine and care of any such lunatic or leper are recoverable, or have been recovered, from any estate applicable to his maintenance or from any persons legally bound to maintain him, the Municipality may apply to any Magistrate empowered under such law to take action for the recovery of such charges, and such Magistrate shall thereupon take such action, if he has not already taken it, and shall, out of any sums recovered under such law, cause to be paid to the credit of the Municipality the amount of any payments made by the Municipality in respect of that person under this section.

Discretionary powers of expenditure of Municipalities.

56. Municipalities may, at their discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

---

[1] General Acts, Vol. V.

[2] For the law in force in British India generally dealing with the control of lepers, *see* the Lepers Act, 1898 (3 of 1898), General Acts, Vol. V.

(*b*) constructing, establishing or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharamshalas, rest-houses and other public buildings ;

(*c*) furthering educational objects other than those set forth in sub-clause (*p*) of [1][section 54] ;

(*d*) planting and maintaining roadside and other trees ;

(*e*) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(*f*) making a survey ;

(*g*) the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or Honorary Magistrate, or any portion of any such charges ;

(*h*) arrangements for the destruction or the detention and preservation of such dogs within the municipal district as may be dealt with under section 49 of the [2]Bombay District Police Act, 1890 ;

Bom. Act IV of 1890.

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in sub-section (*l*) of section 151 ;

(*j*) supplying, constructing and maintaining, in accordance with a general system approved by the Sanitary Board, receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the Municipality ;

(*k*) establishing and maintaining a farm or factory for the disposal of sewage ;

(*l*) any other measure not specified in section 54 likely to promote the public safety, health, convenience or education ; and

(*m*) with the previous concurrence [3]* * * of the Collector, any public reception, ceremony, entertainment or exhibition within the municipal district.

Arrangement purporting to be binding permanently or for a term of years.

57. When a Municipality have entered into any arrangement or made any promise, purporting to bind themselves or their successors, for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the Municipality or their successors, with the sanction in the case of a

[1] This word and figures were substituted for this word and figures "clause 54" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[2] Vol. III of this Code.

[3] The words "in the case of City Municipalities, of the Commissioner, or in other cases" were repealed by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

City Municipality of the Governor in Council, and in the case of any other Municipality of the Commissioner, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that they shall have given at least twelve months' notice of their intention so to do to the manager or managers of such institution.

Management of public institutions maintained by Municipalities to vest in them.

58. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the Municipality by which it is maintained:

Provided that the extent of the independent authority of any Municipality in respect of public education and their relations with the Government Educational Department shall from time to time be prescribed by the Governor in Council.

CHAPTER VII.

MUNICIPAL TAXATION.

(*1*) *Imposition of Taxes.*

Taxes which may be imposed.

59. Subject to any general or special orders which the [1] [Governor in Council] may make in this behalf, any Municipality

(*a*) after observing the preliminary procedure required by [2] [section 60] and

(*b*) with the sanction of the Governor in Council in the case of City Municipalities, and in other cases of the Commissioner, and subject to such modifications or conditions as under section 61 the Governor in Council or the Commissioner, respectively, in according such sanction, deems fit,

may impose, for the purposes of this Act, any of the following taxes: that is to say,

(*i*) a rate on buildings or lands, or both, situate within the municipal district;

(*ii*) a tax on all or any vehicles, boats, or animals used for riding, draught or burden, kept for use within the said district;

(*iii*) a toll on vehicles, and animals used as aforesaid, entering the said district, but not liable to taxation under the clause last preceding;

(*iv*) an octroi on animals or goods, or both, brought within the octroi limits for consumption or use therein;

---

[1] These words were substituted for the words "Governor General in Council" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[2] This word and figures were substituted for the word and figures "section 61" by s. 2 of the Bombay District Municipal Act, (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

(*v*) a tax on dogs kept within the said district ;

(*vi*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(*vii*) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse ;

(*viii*) a water-rate or water-rates, for water supplied by the Municipality, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of case or of any individual case ;

(*ix*) a lighting tax ;

(*x*) a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district ;

[1] [(*x-A*) any other tax which under rules made under clause (*a*) of section 80-A, sub-section (*3*), of the Government of India Act, a local authority may be authorized to impose by any law made by the local legislature without the previous sanction of the Governor General ;]

(*xi*) any other tax to the nature and object of which the approval of the Governor in Council [2] [and of the Governor General in Council] shall have been obtained prior to the selection contemplated in sub-clause (*i*) of clause (*a*) of section 60 :

Provided that

(*a*) no tax imposed as aforesaid, other than a special sanitary cess or a water-rate, shall, without the express consent of Government, be leviable in respect of any building or part of any building, or of any vehicle, animal or other property, belonging to His Majesty and used solely for public purposes, and not used or intended to be used for purposes of profit, and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property, or for the passage of Military or Police-officers on duty, or the passage or conveyance of any person or property in their custody ;

(*b*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds unless and until the Municipality have

(*i*) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

---

[1] This clause was inserted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).
[2] These words were inserted by *ibid.*

(*ii*) issued either severally to the persons to be charged, or generally to the inhabitants of the district or part of the district to be charged, with such cess, one month's notice of the intention of the Municipality to perform such cleansing and to levy such cess;

(*c*) the Municipality in lieu of imposing separately any two or more of the taxes described in clauses (*i*), (*vii*), (*viii*) and (*ix*) [1] * * * may impose a consolidated tax assessed as a rate on buildings or lands, or both, situate within the municipal district.

Procedure of Municipality preliminary to imposing tax.

60. Every Municipality before imposing a tax shall observe the following preliminary procedure:

(*a*) They shall, by resolution passed at a general meeting,

(*i*) select for the purpose one or other of the taxes specified in section 59;

(*ii*) prepare rules for the purposes of clause (*i*) of section 46 prescribing the tax selected;

and shall by such resolution and in such rules specify

(*iii*) the class or classes of persons or of property, or of both, which the Municipality desire to make liable, and any exemptions which they desire to make;

(*iv*) the amount for which, or the rate at which, it is desired to make such classes liable;

(*v*) all other matters, which the Governor in Council may so require to be specified.

(*b*) When such resolution has been passed, the Municipality shall publish the form of rules so prepared with a notice in the form of Schedule A prefixed thereto.

(*c*) Any inhabitant of the municipal district objecting to the imposition of the said tax, or to the amount or rate proposed, or to the class of persons or property to be made liable hereto, or to any exemptions proposed, may within one month from the publication of the said notice send his objection in writing to the Municipality, and the Municipality shall take all such objections into consideration, or shall authorize a committee to consider the same and report thereon, and, unless they decide to abandon or to modify the proposed tax in accordance with such objections, shall submit the same with their opinion thereon, together with the notice and rules aforesaid, in the case of a City Municipality, to the Governor in

[1] The words and figure "of sub-section (*1*)" were repealed by s. 4 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. Act 4 of 1904), *infra*.

Council, and in the case of any other Municipality to the Commissioner.

Power to sanction, modify and impose conditions.

61. The Governor in Council, or the Commissioner, as the case may be, may either refuse to sanction the rules submitted, or may return them to the Municipality for further consideration; or if no objection, or no objection which is in his opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(*i*) to such modifications not involving an increase of the amount to be imposed, or

(*ii*) to such conditions as to the application within the municipal district to any purpose or purposes of this Act specified in such conditions, of the whole or any part of the proceeds of such tax,

as he deems fit.

Publication of sanctioned rules with notice.

62. All rules sanctioned under section 61 with all modifications subject to which the sanction is given, shall be published by the Municipality in the district for which they are prescribed together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the Municipality in accordance with all conditions, if any, subject to which under section 61 the sanction was given:

Provided that

(*a*) a tax leviable by the year

(*i*) shall not come into force except on one of the following dates, *viz.*, the first day of April—the first day of July—the first day of October—the first day of January—[1][in any year], and

(*ii*) if it comes into force on any day other than the first of April, it shall be leviable by the quarter, till the first day of April then next ensuing;

(*b*) on or before the day on which a notice is issued under this section, the Municipality shall publish such further detailed rules as may be required, and as may have been approved by the Governor in

---

[1] These words were substituted for the words "in the official year on which such notice is published" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902) *infra*.

Council or by the Commissioner, as the case may be, under the first clause of the proviso to section 46, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable;

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned, for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) Assessment of and liability to rates.

Preparation of an assessment-list.

63. (*1*) When a rate on buildings or lands or both is imposed, the Municipality shall cause an assessment-list of all buildings, or lands, or buildings and lands in the municipal district to be prepared containing

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual letting value or other valuation on which the property is assessed; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(*2*) For the purpose of making such assessment on property as aforesaid, the Municipality may from time to time appoint any person or persons, whether councillors or not, and whether remunerated or not; and any person or persons so appointed may for such purpose make an inspection of any such property:

[1] [Provided that in a municipal district for which there is a Municipal Commissioner such Municipal Commissioner may make such inspection.]

Returns to be furnished.

(*3*) On the requisition of the Municipality or of such person [2] [or of the Municipal Commissioner, as the case may be,] the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

---

[1] This proviso was added by s. 16 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] These words were inserted by s. 16 (*2*) *ibid.*

Publica of notic assessm

64. When the assessment-list has been completed the Municipality shall give public notice thereof, and of the place where the list or a copy thereof may be inspected: and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public of time for revi assessm list.

65. (*1*) The Municipality shall at the time of the publication of such assessment-list give public notice of a time, not less than one month thereafter, when they will proceed to revise the valuation and assessment: and in all cases in which any property is for the first time assessed or the assessment is increased, they shall also give notice thereof to the owner or occupier of the property, if known.

Objectio how to made.

(*2*) All objections to the valuation and assessment shall be made to the Municipality before the time fixed in the notice, by application in writing, stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the Municipality for the purpose.

Hearing objectio

(*3*) [1][In a municipal district for which there is a Municipal Commissioner, such Municipal Commissioner, and elsewhere] the managing committee, or any committee or committees to which the Municipality delegate the powers and functions of the managing committee in this behalf, or any officer of Government to whom, with the permission of the Commissioner, the municipality delegate, and they are hereby empowered so to delegate, the powers and functions of the managing committee in this behalf, shall, after allowing the applicant an opportunity of being heard in person or by agent,

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (*2*), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment-list.

Authenti tion of li

(*4*) When all objections made under this section have been disposed of, and all amendments required by sub-section (*3*) have been made in the assessment-list, the said list shall be authenticated [2][in a municipal district for which there is a Municipal Commissioner by the signature of the Municipal Commissioner, and elsewhere] by the signatures of the chairman and at least one other member of the managing committee, or if the

[1] These words were inserted by s. 17 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] These words were inserted by s. 17 (*2*) *ibid.*

Municipality have delegated the powers and functions of the managing committees in this behalf to any other committee or to an officer of Government by the signatures of not less than two members of such committee or of the officer aforesaid, and the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein.

Custody and inspection of list.

(5) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons, and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive.

(6) Subject—

(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(b) to the result of any appeal made under section 86,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence,

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment-list.

66. (1) The Municipality may at any time alter the said list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the valuation of or assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice to any person interested in the alteration, of a time, not less than one month from the date of service of such notice, at which the alteration is to be made.

Objections how dealt with.

(2) Every objection made by any persons interested in any such alteration, before the time fixed in the notice, and in the manner provided by subsection (2) of the last preceding section, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) Every alteration made under this section shall, subject to the result of an appeal under section 86, have the same effect as if it had been made on the earliest day in the current official year in which the circumstances justifying the alteration existed.

67. (*1*) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Municipality may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following. New assessment-list need not be prepared every year.

(*2*) But the provisions of sections 64, 65 and 66 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

68. Every tax imposed in the form of a rate on buildings or lands or on both, shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or land or holds them on a building or other lease from the Secretary of State for India in Council or from the Municipality, or on a building lease from any person. Otherwise the said tax shall be primarily leviable as follows, namely: Tax from whom primarily leviable.

(*a*) if the property is let, from the lessor;

(*b*) if the property is sublet, from the superior lessor:

(*c*) if the property is unlet, from the person in whom the right to let the same vests:

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater. Recovery from occupiers.

Provided, further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum. Remedy of occupier in such case.

69. (*1*) When any building or land which is assessed to a rate payable by the year, or in respect of which a special sanitary cess is payable by the year or by instalments, has remained vacant and unproductive of rent throughout the year, or throughout the period in respect of which any such instalment is payable, the Municipality shall remit or refund not less than two-thirds of the amount of the rate, or of the cess or instalment of the cess, as the case may be: Remission of tax in case of vacancies when obligatory.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Municipality, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretional.

(2) When any such building or land as aforesaid,

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the Municipality may remit or refund such portion, if any, of the rate or instalment as they may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) Power to charge fees.

Municipality may charge fees for certain licenses.

70. (1) When any license is granted by the Municipality under this Act, or when permission is given by them for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the Municipality, the Municipality may charge a fee for such license or permission.

Market and other fees.

(2) The Municipality may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of section 48 for the use of any such places mentioned in that sub-section as belong to the Municipality.

(4) Special provisions relating to certain taxes.

Fixed charges and agreements for payment in lieu of taxes for water supplied.

71. (1) The Municipality may, instead of imposing a water-rate or, in individual cases, of levying a rate imposed in respect of the supply of water belonging to the Municipality to, or for use in connection with, any private lands or buildings,

(a) fix at rates not exceeding such as shall be specified in the rules in force under section 46, charges for such supply according to the quantity used, as ascertained by measurement,

(b) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the Municipality in such quantities or for such purposes, whether domestic, orna-

mental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as they shall fix by agreement with such person :

Provided that—

(*a*) the meters, connection-pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the Municipality, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the Municipality, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 48.

Power to fix a special rate in lieu of special sanitary cess.

(*2*) When the Municipality have made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, they may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate and the dates and other conditions for periodical payments thereof, which shall be determined either,

(*i*) in accordance with the rules for the time being in force under section 46, or

(*ii*) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the Municipality of the service to be rendered.

Power to compound tax on vehicles or animals.

(*3*) When the Municipality have imposed a tax on vehicles or animals kept for use within the municipal district they may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lump sum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Recovery of sums claimed under this section.

(*4*) Every sum claimed by the Municipality as due under sub-section (*1*) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (*2*) or as a lump sum payable under sub-section (*3*), shall for the purposes of Chapter VIII be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter :

Provided that nothing in this section shall affect the right or power of the Municipality to contract with any person to supply for use beyond the limits of the municipal district, at such rates and on such conditions as the Municipality may think fit, any quantity of water belonging to the Municipality but not required for the purposes of this Act.

Taxes on pilgrims may be assigned in part to local boards.

72. If any tax imposed under this Act is a tax on pilgrims resorting periodically to a shrine within the limits of a municipal district, the Commissioner may require the Municipality of such district to assign and pay to the district local board, or to the táluka local board having authority in the táluka in which such municipal district is situate, or partly to the said district local board and partly to the said táluka local board, such portion of the total collections on account of such tax as he shall deem fit; and the portion so assigned shall be expended by the said board or boards, within the areas respectively under their authority, on works conducive to the health, convenience and safety of the said pilgrims.

Power of Government to suspend levy of objectionable taxes.

73. If it shall at any time appear to the Governor in Council, on complaint made or otherwise, that any tax, leviable by a Municipality, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interest of the general public, he may require the said Municipality, within such period as he shall fix in this behalf, to take measures for removing any objection which appears to him to exist to the said tax, and if, within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Governor in Council, he may, by notification in the Bombay Government Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Governor in Council may at any time, by a like notification, rescind any such suspension.

Power of Government to require municipalities to impose taxes.

74. Whenever it appears to the Governor in Council that the balance of the municipal fund of any Municipality is insufficient for meeting the expenditure incurred under section 175 or for the performance of any duties in respect of which they shall have been declared under section 178 to have committed default, the Governor in Council may by notification require the Municipality to impose, within the municipal district, any such tax specified in the notification as may be imposed under section 59 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Governor in Council considers fit, and the Municipality shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the Municipality had been passed for the purpose under section 60 :

Provided that—

(*a*) the Governor in Council shall take into consideration any objection which the Municipality or any inhabitant of the municipal district may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the Municipality to abandon or modify or to abolish such tax when imposed, and

(*c*) the Governor in Council may at any time cancel or modify any requisition made by him under this [1] [section], and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi by-laws to be submitted with proposal for imposition of octroi.

75. Every Municipality, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (*j*) of section 48, after observing the requirements of sub-sections (*2*) and (*3*) of that section.

Power to examine articles liable to octroi.

[2]**76.** (*1*) Every person bringing into, or receiving from beyond, the octroi limits of a municipal district any article on which octroi is payable shall, when required by an officer authorized in this behalf by the Municipality, and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh, and otherwise deal with the article ; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(*2*) If any person bringing into, or receiving from beyond, the octroi limits of a municipal district in which octroi is leviable any conveyance or package shall refuse, on the demand of an officer authorized by the Municipality in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the Municipality as the Governor in Council appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

---

[1] This word was substituted for the word " sub-section " by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[2] Sections 76, 77, 79, 80 and Schedule D have been extended to the Cantonment of Ahmednagar subject to certain restrictions and modifications, *see* Gazette of India, 1905, Pt. I, p. 19.

Presentation of bills for octroi.

[1]**77.** (*1*) Every officer demanding octroi by the authority of the Municipality shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty of evasion of octroi.

(*2*) If goods passing into a municipal district are liable to the payment of octroi, then every person who, with the intention to defraud the Municipality, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said district, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees, whichever may be greater.

Tables of tolls to be shown on demand.

78. Every Municipality imposing any toll under this Act shall cause to be kept, at each place where such toll is to be collected, a table in the vernacular language of the district, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorized to demand payment of a toll to show such table on the request of any person on whom such demand is made.

Power to seize vehicle or animal on non-payment of octroi or toll.

[1]**79.** (*1*) In the case of non-payment on demand of any octroi or of any toll leviable by a Municipality, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or article seized, a list of the property together with a written notice in the form of Schedule D that the said property will be sold as shall be specified in such notice.

Power to sell property seized at once.

(*2*) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(*3*) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the Municipality shall forthwith release the property seized.

---

[1] *See* footnote [1] on p. 183, *supra*.

(*4*) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale. Sale.

(*5*) The surplus, if any, of the sale-proceeds shall be credited to the municipal fund, and may, on application made to the Municipality in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the Municipality. Surplus how dealt with.

[1]**80.** The Municipality, if they think fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipal district, may at any time direct that an account-current shall be kept on behalf of the Municipality of the octroi so due from any such firm or body as the Municipality specify in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the Municipality or any committee or officer authorized by them in this behalf shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

81. When any agreement such as is referred to in clause (*b*) of section 39 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary, for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of this Act relating to octroi shall apply in the same way as if the limits so established were wholly comprised within the area subject to the control of the body by which they are so established, and the collections made and the costs thereby incurred shall, subject to the provisions of section 39, be divided between the funds respectively subject to the control of the bodies so entering into the agreement, in such proportions as shall have been determined in the said agreement. Collection of octroi by one public body on behalf of others.

[1] *See* footnote [2] on p. 183, *supra*.

Farming of tolls.

[1][**81A.** (*1*) It shall be lawful for the Municipality to lease the levy of any toll that may be imposed under this Act by public auction or private contract:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Person employed by lessee of toll to have power of seizure.

(*2*) Where any toll has been leased under this section any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, have the powers referred to in sub-sections (*1*) and (*2*) of section 79:

Provided that no article distrained may be sold except under the orders of the Municipality.]

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

82. (*1*) When any amount,

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (*1*) of section 79, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipal district,

shall have become due, the Municipality shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum claimed as due.

Contents of bill.

(*2*) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(*i*) the liability incurred in default of payment, and of

(*ii*) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(*3*) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorized by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the Municipality may cause to be served upon the person liable for the

[1] Section 81A was inserted by s. 18 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

payment of the said sum a notice of demand in the form of Schedule B, or to the like effect.

83. (*1*) If the person liable for the payment of the said sum does not, within fifteen days from the service of such notice of demand, either— In what cases warrant may issue.

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the Municipality, or [1] [of] such officer as the Municipality by rule may appoint in this behalf, or in a City Municipality [1] [of] the chief officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 86 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the Municipality in the form of Schedule C or to the like effect by distress and sale of the moveable property of the defaulter.

(*2*) Every warrant issued under this section shall be signed by the president of the Municipality causing the same to be issued, [2] [or by the Municipal Commissioner, if any,] or in the case of a City Municipality by the chairman of the managing committee, or by an officer to whom the Municipality have delegated their powers under section 37 or by the chief officer, if any. Warrant by whom to be signed.

[3] [(*2A*) Where the property is in the Municipal district the warrant shall be addressed to an officer of the Municipality. Where the property is in another municipal district or is not in a municipal district the warrant shall be addressed to the vice-president of the Municipality in such other municipal district or to a Government officer not lower in rank than a Mahalkari as the case may be: Provided that such vice-president or Government officer may endorse such warrant to a subordinate officer. Where the property is in the City of Bombay the warrant shall be addressed to the [4] [Registrar of the Court of Small Causes of Bombay:] [5] [provided that the Registrar may endorse such warrant to a subordinate officer.] To whom warrant should be addressed.

---

[1] This word was substituted for the word "to" by s. 5 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. Act 4 of 1904), *infra*.

[2] These words were inserted by s. 19 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[3] Sub-section (*2A*) was inserted by s. 19 (*2*) *ibid*.

[4] These words were substituted for the words "Municipal Commissioner for the City of Bombay" by s. 3 of the Bombay District Municipal (Amendment) Act, 1920 (Bom. Act 3 of 1920), Vol. V of this Code.

[5] This proviso was added by *ibid*.

Power of entry under special order.

(*3*) It shall be lawful for [1][any officer] to whom a warrant issued under sub-section (*2*) is addressed, if the warrant contains a special order authorizing him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance : Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intentions and has given such women an opportunity to remove.

Warrant how to be executed.

(*4*) It shall also be lawful for such officer to distrain, wherever it may be found, any moveable property of the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely :

(*a*) The following property shall not be distrained :—

(*i*) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(*ii*) the tools of artizans,

(*iii*) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorized by or under sub-section (*2*) to sign a warrant, should not have been so distrained they shall forthwith be returned.

(*c*) The officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule D that the said property will be sold as shall be specified in such notice.

Sale of goods distrained.

84. (*1*) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or chairman or officer by whom the warrant was signed shall at once give notice to the person in whose possession the property was when seized to the effect that it will be sold at

[1] These words were substituted for the words " any municipal officer " by s. 19 (*3*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Application of proceeds of sale.

(2) If not sold at once under sub-section (*1*), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Municipality, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person from whose possession the property was taken, but if the same be claimed by written application to the municipality within one year from the date of the [1][notice] a refund thereof shall be made to such person. Any sum not claimed within one year from the [2][date] of such notice shall be the property of the municipality.

Distraint and sale outside the district.

[3][**84A**. Where the warrant is addressed outside the municipal district the authority issuing the warrant may by endorsement direct the officer [4][or Registrar of the Court of Small Causes of Bombay] to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer [4][or Registrar] to sell the property and to do all things incidental to the sale and the foregoing provisions shall be modified accordingly. [5][Such officer or Registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued].]

Fees and costs chargeable.

85. Fees for—

(*a*) every notice issued under sub-section (*3*) of section 82,

(*b*) every distress made [6][under sub-section (*4*) of section 83], and

---

[1] This word was substituted for the word "sale" by s. 6 (*a*) of the Bombay District Municipal (Amendment) Act, 1904 (Bom. Act 4 of 1904), *infra*.

[2] This word was substituted for the word "sale" by s. 6 (*b*) *ibid*.

[3] Section 84A was inserted by s. 20 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[4] These words were inserted by s. 4 (*a*) of the Bombay District Municipal (Amendment) Act, 1920 (Bom. Act 3 of 1920), Vol. V of this Code.

[5] These words were added by s. 4 (*b*) *ibid*.

[6] These words and figures were inserted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

(*c*) the costs of maintaining any live stock seized under [1][the said sub-section],

shall be chargeable at the rates respectively specified in such behalf in the rules of the Municipality, and shall be included in the costs of recovery to be levied under [2][section 83].

Appeals to Magistrates

86. Appeals against any notice of demand issued under sub-section (*3*) of section 82 may be made to any Magistrate or Bench of Magistrates by whom under the directions of the Governor in Council, or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within fifteen days next after service of the notice of demand complained of ; and

(*b*) an application in writing, stating the ground on which the claim of the Municipality is disputed, has been made to the Municipality as follows, that is to say :

(*i*) in the case of a rate on buildings or lands, within the time fixed in the notice given under section 65 or 66 of the assessment or alteration thereof, according to which the bill is prepared,

(*ii*) in the case of any other claim for which a bill has been presented under sub-section (*1*) of section 82 within fifteen days next after the presentation of such bill ; and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Liability of land, buildings, etc., for rates.

87. All sums due on account of any tax imposed in the form of a rate on lands or buildings or on both, mentioned in section 68, shall, subject to prior payment of land-revenue, if any, due to [3][His Majesty] thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes :

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

88. The Governor in Council may at any time by notification suspend the operation of sections 83 and 84 in any municipal district, in which there is

[1] These words were substituted for the words "this section" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[2] This word and figures were substituted for the word and figures "section 84" by *ibid*.

[3] These words were substituted for the words "the Secretary of State for India in Council" by *ibid*.

not a City Municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate, in the manner provided in sub-section (2) of section 161 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be given for all payments.

89. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving the same.

CHAPTER IX.

Municipal Powers and Offences.

(1) *Powers in respect of streets.*

Power regarding streets, etc.

90. (1) It shall be lawful for the Municipality to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge or otherwise improve any such streets, and to turn, divert, discontinue or stop up any such streets, and, subject to the provisions of sub-section (2) of section 40 to sell any such land, theretofore used or acquired by the Municipality for the purposes of such streets as may not be required for any public street or for any other purposes of this Act.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and footways and drains thereof, the Municipality may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 40, may sell and dispose of the same in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as they may think fit.

Power to require repair of streets.

(3) When the Municipality consider that in any street, not being a public street, or in any part of such street, within the municipal district, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channeling, draining, lighting or cleaning thereof, the Municipality may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

and to declare such streets public.

(*4*) After such work has been carried out by such owners or, as provided in section 156, by the Municipality at the expense of such owners, the street or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall, be declared by a public notice, put up therein by the Municipality, to be a public street.

Power to declare any street a public street, subject to objections by the owners.

(*5*) A Municipality may, at any time, by notice fixed up in any street or part of a street not maintainable by the Municipality, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the Municipality may by notice in writing put up in such street, or such part, declare the same to be a public street.

New streets.

91. (*1*) Every person intending to lay out or make any new street, shall give notice in writing thereof to the Municipality, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the Municipality to do so, and the level, means of drainage, direction and width of every such street shall be fixed or approved by the Municipality.

Power of Municipality to pass orders.

(*2*) Before passing orders under sub-section (*1*), the Municipality may either issue,

(*a*) a provisional order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) a demand for further particulars.

(*3*) If

Right to proceed in certain cases.

(*a*) within one month from the receipt of the notice given under sub-section (*1*) the Municipality have neither

(*i*) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (*1*) with regard to level, means of drainage, direction and width of the street, nor

(*ii*) under sub-section (*2*), issued any provisional order or demand for further particulars, or if

(*b*) the Municipality, having issued such demand for, and having received, in accordance with the demand and with by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (*1*), or, except in accordance with the provisions of sub-section (*3*) without awaiting, or otherwise than in accordance with, the instructions issued by the Municipality, or in any manner contrary to the provisions of this Act or of any by-law in force thereunder shall be punished with fine which may extend to two hundred and fifty rupees, and the Municipality may cause any street so laid out or made to be altered, and any building erected in such street contrary to their directions to be altered or removed, and the expense thereby incurred shall be paid to them by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII. Penalty.

[1][**91A.** (*1*) It shall be the duty of every Municipality to prescribe a line on each side of every public street within the municipal district and the Municipality may from time to time prescribe a fresh line in substitution for any line so prescribed, or for any part thereof : The regular line of a public street.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipality shall give public notice of the proposal and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed, and

(*b*) the Municipality shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipality within such time as they may specify in such public or special notice.

(*2*) The line for the time being so prescribed shall be called 'the regular line of the public street'.

(*3*) Except under the provisions of section 113, no person shall construct, or without the permission of the Municipality under section 96 re-construct any portion of any building within the regular line of the public street.

(*4*) Whoever contravenes the provisions of sub-section (*3*) shall be punished with fine which may extend to one thousand rupees ; and the Municipality may—

(*a*) direct that the building be stopped, and

(*b*) by written notice require such building or portion thereof to be altered or demolished as they may deem necessary.]

---

[1] Section 91A. was inserted by s. 21 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

(2) Powers to regulate buildings, etc.

Setting back projecting buildings.

92. *(1)* If any part of a building projects beyond the regular line of a public street either as existing or as determined upon for the future or beyond the front of the building on either side thereof, the Municipality may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Municipality.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the Municipality, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the Municipality after giving the owner of the land not less than fifteen clear days' written notice of their intention, or if the land is vested in His Majesty, then with the permission in writing of the Collector, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the Municipality.

Compensation payable by the Municipality.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the Municipality to the owner of any land added to a street under sub-section *(1)* or acquired under sub-section *(2)* for the value of the said land and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Municipality under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 119 applies.

Setting forward to regular line of street.

93. The Municipality may, upon such terms as they think fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Roofs and external walls of buildings not to be made of inflammable materials.

94. (*1*) The external roofs and walls of buildings erected or renewed after the coming into force of this Act, shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials except with the written consent of the Municipality, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(*2*) The Municipality may at any time by written notice require the owner of any building which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the Municipality.

Penalty.

(*3*) Whoever without such consent as is required by sub-section (*1*) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (*2*) suffers to remain, any roof or wall of such material as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued, after the date of the first conviction.

Level of buildings.

95. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipality, or into some stream or river, or into the sea, or some cesspool, or other suitable place which may be approved of by the Municipality.

Notice of new buildings.

96. (*1*) Before beginning to erect any building, or to alter externally or add to any existing building, or to reconstruct any projecting portion of a building in respect of which the Municipality is empowered by section 92 to enforce a removal or set-back, [1][or is empowered by section 91A to give permission to reconstruct it,] the person intending so to build, alter, or add shall give to the Municipality notice thereof in writing, and shall furnish to them, at the same time if required by a by-law or by special order to do so,

(*a*) the sanad, if any, in force relating to the site of such proposed building, issued under section 10 of [2]Bombay Act IV of 1868 or received under section 133 of the [3]Bombay Land Revenue Code, 1879, or other enactment relating to the survey of lands in towns and cities, and

Bom. Act V of 1879.

(*b*) a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level

[1] These words were inserted by s. 21 (*2*) of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] Rep. by Bombay Act 5 of 1879.

[3] Vol. II of this Code.

known to the Municipality, and all information they may require regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets.

Power of municipality to pass orders.

(2) The Municipality may issue such orders not inconsistent with this Act as they think proper with reference to the work proposed in such notice and may either give permission to erect or alter or add to the building according to the plan and information furnished or may impose in writing such conditions as to level, drainage, sanitation, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation, or with reference to the location of the building in relation to any street existing or projected, as they think proper, or may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction.

Or to suspend the work or require further particulars.

(3) Before issuing any orders under sub-section (2) the Municipality may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder in the following cases, that is to say :—

(*a*) in case the Municipality, within one month from the receipt of the notice given under sub-section (1), have neither

(*i*) passed orders under sub-section (2) and served notice thereof in respect of the intended work ;

nor

(*ii*) issued under sub-section (3) any provisional order or any demand for further particulars ;

(*b*) in case the Municipality having issued such demand for and having received in accordance with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars :

Provided that no person, who becomes entitled under this sub-section to proceed with any intended work of which notice is required by sub-section (1),

shall commence such work after the expiry of the period of one year from the date on which he first becomes entitled so to proceed therewith.

(5) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1) or without furnishing the documents or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the Municipality as may be issued under this section, or in any other respect contrary to the provisions of this Act or of any by-law in force thereunder shall be punished with fine which may extend to one thousand rupees : and the Municipality may

(a) direct that the building, alteration or addition be stopped,

and

(b) by written notice, require such building, alteration or addition to be altered or demolished, as they may deem necessary.

(6) The Municipality or any officer deputed by them may[1] at any time inspect the erection of any building without giving notice of their or his intention to do so, and [1] * * at any time during the erection of a building or the execution of any such work as aforesaid, or at any time not later than one month after being informed in writing by the person responsible for giving a notice under sub-section (1) that the erection of the building, or the execution of any such work as aforesaid, has been completed, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

Explanation.—The expression "to erect a building" throughout this chapter includes—

(a) any material alteration, enlargement or reconstruction of any building,

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation,

---

[1] The words "they may" were repealed by s. 7 of the Bombay District Municipal (Amendment) Act, 1904 (Bom Act 4 of 1904), *infra*.

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building,

and a building so altered, enlarged, reconstructed, converted, or added to, is, throughout this chapter, included under the expression "a new building".

Regulation of huts.

97. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the Municipality; and the Municipality may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Municipality may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to them may seem necessary. If any hut or shed or range or block be built without giving such notice to the Municipality, or otherwise than as required by the Municipality, the Municipality may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected, or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Municipality may think fit.

Improvement of huts.

98. (*1*) Whenever the Municipality are of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are by reason

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants or the neighbourhood, they shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Municipality for that purpose, to take down and remove such hut or shed, or to execute such operations as the Municipality may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the Municipality may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as they may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the Municipality, the Municipality shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Municipality until the person interested therein shall obtain the order of a competent Court for the payment of the same:

Provided always that in case any huts or sheds, existing at the time when the land on which they are situated first became part of a municipal district, should be pulled down under this section by order of the Municipality, or in pursuance of their notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 160.

(3) *Powers connected with drainage, etc.*

99. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipal district shall be under the survey and control of the Municipality. Municipal control over drains, etc.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the Municipality or other persons to whom they severally belong, with proper traps, or other coverings or means of ventilation and the Municipality may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

100. (1) In order to carry out any drainage scheme it shall be lawful for a Municipality to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and Powers for making drains.

after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipal district.

(2) The Municipality, or any officer appointed by them for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Municipality has been already constructed, or may repair or alter any drain vested in the Municipality.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid by the Municipality to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

101. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the Municipality, the Municipality may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as they think necessary for the drainage of such building or land into

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building or to re-build any building, or to occupy any building newly erected or re-built, unless and until—

(*a*) a drain be constructed of such size, materials and description, at such level, and with such fall, as shall appear to the Municipality to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto, all such appliances and fittings as may appear to the Municipality to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the Municipality direct.

Powers of owners and occupiers of buildings or lands to drain into

102. The owner or occupier of any building or land within the municipal district shall be entitled to cause his drains to empty into the sewers of the Municipality, provided that he first obtains the written permission of the Municipality, and that he complies with such conditions as the Municipality

prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Municipality and drains which are so vested. Municipal drains.

103. (*1*) If the owner or occupier of any building or land desires to connect the same with any municipal drain, by means of a drain, to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Municipality. How right to carry drain through land or into drain belonging to other persons may be obtained.

(*2*) The Municipality thereupon, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in their opinion insufficient, by an order in writing authorize the applicant to carry his drain into, through, or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains as may appear to them to be adequate and equitable. Such right how and on what conditions to be authorized by Municipality.

(*3*) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to all provisions of this Act, to do all such work as may be necessary— Written order of municipal authority for execution of necessary work.

(*a*) for the construction or connection of the drain, as may be authorized by the said order,

(*b*) for renewing, repairing or altering the same, as may be necessary from time to time, or

(*c*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

104. In executing any work under section 103, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall Work how to be carried out.

(*a*) cause the work to be executed with the least practicable delay;

the Municipality, and the Municipality may by written notice require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as they may think fit.

Inspection of drains, etc.

111. (*1*) The Municipality or any officer appointed by them for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully, or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be.

Expense of inspection when to be borne by the Municipality.

(*2*) The expense of such inspection, and of causing the ground to be closed and made good as before shall be borne by the Municipality, unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the Municipality in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Municipality may execute certain works under this sub-chapter without allowing option to person concerned of executing the same.

112. (*1*) The Municipality may, if they think fit, cause any work of the nature to which this sub-chapter applies to be executed by municipal or other agency under their own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Expenses in such cases by whom to be paid.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the Municipality shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

(*3*) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipality, be deemed to be municipal property, unless the Municipality shall have transferred their interest therein to the owner of such buildings or lands.

(4) Powers regarding external structures, etc.

Permission necessary for certain projections.

113. (*1*) The Municipality may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms, to project from any upper storey thereof, at such height from the surface of the street as the Municipality may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which and the conditions under which, roofs, leaves, weather-boards, [1] [shop-boards] and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(*3*) The Municipality may by written notice require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipal district, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into, or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct drain or sewer, or the proper working thereof:

Provided always that the Municipality shall, if such projection, encroachment, or obstruction shall have been made in any place before the date on which such place became part of a municipal district, or after such date with the written permission of the Municipality, make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 160.

Troughs and pipes for rain water.

114. The Municipality may by written notice require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts

[1] These words were inserted by s. 3 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. Act 4 of 1904), *infra*.

of such building, and for discharging the same, in such manner as they may think fit, so that it shall not fall upon the persons passing along the street.

Fixing of brackets, etc., to houses.

115. The Municipality may erect or fix to the outside of any building brackets for lamps to be lighted with oil or gas, or subject to the provisions of the [1]Indian Electricity Act, 1887, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the [2]Indian Telegraph Act, 1885, as amended by subsequent enactments, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive purposes or such pipes as they may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood. XIII of 1887. XIII of 1885.

Naming streets and numbering houses.

116. (*1*) The Municipality may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner or entrance to every street, the name by which such street is to be known, and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(*2*) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the Municipality, and any owner or occupier of any building who shall, not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Penalty for defacing building, etc.

117. Any person

(*a*) who without the consent of the owner or occupier affixes any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or

(*b*) who without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale with chalk or paint or in and other way whatsoever,

shall be punished with fine which may extend to twenty rupees.

Removal and trimming of hedges, tree, etc.

118. The Municipality may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop, or trim all trees or shrubs which in any way overhang, endanger or obstruct, or which they deem

[1] *See* now the Indian Electricity Act, 1910 (9 of 1910) General Acts, Vol. VII.
[2] General Acts, Vol. III.

likely to overhang, endanger, or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute, or be likely to pollute, the water thereof.

(*b*) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

119. (*1*) If any building, or anything affixed thereon, be deemed by the Municipality to be in a ruinous state or likely to fall or in any other way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof, or to passengers, the Municipality shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; all expenses incurred by the Municipality under this sub-section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Action to be taken on default by owner or occupier.

(2) The Municipality shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building, or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Municipality shall cause all or so much of such building or thing, as they shall think necessary, to be taken down, repaired, or otherwise secured:

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the Municipality, instead of themselves causing a hoard or fence to be put up, to issue in the first instance notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice a hoard or fence which the Municipality consider sufficient in the circumstances of the case, Municipality shall at once cause such hoard or fence to be put up and thereafter proceed as provided in sub-sections (*1*) and (*2*).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

120. (*1*) The Municipality may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time, to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the Municipality prescribe, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Municipality approve, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the Municipality dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the Municipality to be unfit for drinking ; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot in the opinion of the Municipality be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Municipality consider sufficient to prevent such use, such source of water-supply as aforesaid ;

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Municipality consider is injurious to health or offensive to the neighbourhood.

Remedy on non-compliance with directions issued.

(*2*) If the owner or person having control as aforesaid, fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (*1*), the Municipality may, and if in their opinion immediate action is necessary to protect the health or safety of any person, shall at once proceed to execute the work required by such notice, and all the expenses incurred therein by the Municipality shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII :

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Municipality or necessarily incurred by such owner or person having such control, may, if the Municipality so direct, be paid from the municipal fund.

Displacing pavements, etc.

121. (*1*) Whoever displaces, takes up or makes any alteration in the pavement, gutter, flags or other materials, of any public street, or the

fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the Municipality, or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, shall fail to replace or restore the same to the satisfaction of the Municipality after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstructions and encroachments upon public streets and open spaces.

122. (1) Whoever in any place after it has become a municipal district, shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The Municipality shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorized obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the Municipality or not, provided that if the space be vested in His Majesty the permission of the Collector shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(3) Whoever, not being duly authorized in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and, in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in the section shall prevent the Municipality from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and

spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

[1][(5) Nothing contained in this section shall apply to any projection duly authorized under sub-section (*1*) of section 113, or in any case where permission has been given under sub-section (*4*).]

Hoards to be set up during repairs, etc.

123. (*1*) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work,

(*a*) first obtain a license in writing from the Municipality so to do, and

(*b*) cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Municipality during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Municipality.

(*2*) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and lighting during repairs, etc.

124. (*1*) The Municipality shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings and shall cause such bars, chains or posts, to be fixed across or in any of the streets to prevent the passage of carriages, carts, or other vehicles, or of cattle or horses, while such works are carried on, as to them shall seem proper; and the municipality shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(*2*) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the Municipality, shall be punished with fine which may extend to fifty rupees.

---

[1] Sub-section (*5*) was added by s. 9 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. Act 4 of 1904), *infra*.

Timber not to be deposited or hole made in a street without permission.

125. (*1*) No person shall, without the written permission of the Municipality or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street or erect or deposit thereon, any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the Municipality; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the Municipality, and shall cause the same to be sufficiently lighted during the night.

(*2*) Whoever contravenes any of the provisions of sub-section (*1*) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Dangerous quarrying.

126. [1] * If in the opinion of the Municipality the working of any quarry or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Municipality may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal, not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the Municipality shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom:

Provided that if such quarry or place is vested in His Majesty, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government, or any person acting with the permission or under the authority of Government or of any officer of Government acting as such, the Municipality shall not take such action unless and until the Collector has consented to their so doing:

Provided further that the Municipality shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this [2] [section] it appears to them to be necessary in order to prevent imminent danger, and any expense incurred by the Municipality in taking action under this section shall be paid by such

[1] The figure "(1)" was deleted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[2] This word was substituted for the word "sub-section" by s. 2 *ibid*.

owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(6) Powers for the prevention of nuisances.

Depositing dust, etc.

127. *(1)* Whoever deposits, or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware or other rubbish, or any other thing that is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street or on any open space or on any quay, jetty or landing-place, or on any part of the sea-shore or the bank of a tidal river, whether above or below highwater mark, or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the Municipality, and whoever commits, or suffers any member of his family or household to commit, nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts, or causes or suffers any member of his household to throw or put, any of the matter above described, or, except with the permission of the Municipality, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

128. Whoever causes or allows the water of any sink or sewer, or any other liquid or other matter which is, or which is likely to become offensive from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Municipality, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper

means to remove the filth from, and to cleanse and purify, such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees, for every day on which such offence is continued, after the date of the first conviction.

Removal of night-soil.

130. (*1*) The Municipality may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter.

(*2*) Whoever,

(*a*) when the Municipality have fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the Municipality or not,

(*i*) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof, and of the stench therefrom, or

(*ii*) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(*iii*) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(*iv*) places or sets down in any public place any vessel containing such offensive matter, or

(*v*) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Municipality by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc.

131. (*1*) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the Municipality a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Municipality to cleanse, clear or otherwise put the same in a proper state have complied with the requisition contained in such notice, shall be punished

with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the Municipality to render it unfit for human habitation, they may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby,

(a) becoming a resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(b) coming into use for any insanitary or immoral purpose, or

(c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the Municipality, if they consider such objection cannot under any other provision of this Act be otherwise removed, may, if there is any person known or resident within the municipal district who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed, and in the event of non-compliance with such requirement, the Municipality, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by them in so doing, and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Power to enter and inspect, etc., buildings.

132. It shall be lawful for the president, vice-president, or any councillor or officer authorized by the Municipality in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally lime-washed or otherwise cleansed for sanitary reasons.

133. (*1*) The Municipality may set apart sufficient public places, or any part of the sea-shore, not being private property, for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use, for any purpose mentioned in this section, of any or all other public places within the municipal district. Bathing places.

(*2*) Copies of all orders passed and notices issued by the Municipality and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

134. (*a*) Whoever, in disobedience of any order of the Municipality under section 133, or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit or aqueduct belonging to the Municipality, or washes, or causes to be washed therein, any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and Fouling water.

(*b*) whoever without permission of the Municipality, steeps in any tank, stream, or ditch within, or on the boundary of, the municipal district any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance,

shall be punished with fine which may extend to fifty rupees.

135. When any pool, ditch, tank, pond, well, hole or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the Municipality to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Municipality may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall, in their opinion, be necessary to abate or remove the nuisance. Abatement of nuisances.

136. Whoever, except with the written permission of the Municipality, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees. Using offensive manure, etc.

137. Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or Tethering cattle, etc.

place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Feeding animals on filth.

[1][**137A.** Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable-refuse, filth or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.]

Consumption of smoke.

138. (*1*) It shall be lawful for the Municipality to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipal district, whether a steam engine be or be not used or employed therein, shall in all cases be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(*2*) If any person shall after such direction use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings, or being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees:

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

(*7*) *Regulation of markets, sale of food, etc.*

Licensing markets and slaughter-houses.

139. (*1*) It shall be lawful for the Municipality to direct that no place shall be used as a market for the sale of animals, meat, fish, fruit or vegetables intended for human food, or as a slaughter-house, excepting the public markets or slaughter-houses constructed or opened by the Municipality, or such other markets or slaughter-houses as may have been licensed in writing by the Municipality, who may, at their discretion from time to time, grant, suspend, withhold or withdraw such licenses, either generally or in individual instances.

(*2*) No person shall, in any municipal district in which by-laws are in force prescribing the conditions on and subject to which, and the circumstances

[1] Section 137A was inserted by s. 22 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

in which, licenses for shops for the sale of such commodities may be granted, refused, suspended or withdrawn, use without a license from the Municipality granted in accordance with by-laws made under clause (*b*) of sub-section (*1*) of section 48 any place as a shop for the sale of animals, meat or fish, intended for human food, except in a municipal or licensed market.

(*3*) Whoever, contrary to such direction or without the license required as aforesaid, or otherwise than in accordance with the conditions on or subject to which such license was granted, sells or exposes for sale any such animals or commodities, or uses or permits the use of a place as a shop for the sale thereof or uses any place as a slaughter-house, shall be punished with fine which may extend to twenty-five rupees.

(*4*) Upon a conviction being obtained in respect of any place which has, without, or during the suspension or after the withdrawal of, a license, been used or permitted to be used as a shop for such sale as aforesaid, the Magistrate shall, on the application of the Municipality, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps, to prevent such place being so used, and every person, who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

(*5*) Nothing contained in this section shall apply to the use of any hotel or eating house for the sale of food served for consumption on the premises.

Opening, closing and letting of markets and slaughter-houses.

140. (*1*) The Municipality may from time to time open or close any public market or slaughter-house. They may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

(*2*) Any person who, without the permission or license of the Municipality, shall sell or expose for sale any article in the said markets or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

Slaughter houses, etc., beyond municipal limits.

141. It shall be lawful for the Municipality, with the sanction of the Commissioner or, if authorized by him, of the Collector, to establish slaughter-houses or places for the disposal of carcasses of animals, beyond the limits of the municipal district, and all provisions of this Act and of by-laws in force thereunder relating to such places within municipal limits, shall have full force therein, as if such places were within the municipal limits.

Search for and inspection of unwholesome articles.

142. (*1*) The president, vice-president or any councillor or officer authorized by the Municipality in this behalf—

(*a*) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 29 to exercise all or any of the powers vested in the Municipality under this sub-chapter [1] [or of the Municipal Commissioner, if any,] if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink and medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

If it appear to the Magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the [2] Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine. XLV of 1860.

Adulterated articles for food or drink.

(*2*) In every municipal district in which this sub-section is, by virtue of a notification [3] [issued] under the Bombay Prevention of Adulteration Act, 1899, [4] [as if the sub-section were part of section 5 of that Act,] for Bom. Act II of 1899.

[1] These words were inserted by s. 23 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] General Acts, Vol. I.

[3] This word was inserted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[4] These words were inserted by *ibid*.

the time being in force, and applicable to food of all kinds or of any specified kind,

if any article to which this sub-section is applicable as aforesaid, is intended for food or drink, and is in any place mentioned in sub-section (*1*), the president, vice-president or officer authorized as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink, and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the [1]Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

XLV of 1860.

Explanation.—If such article having been exposed or stored in, or brought to any place mentioned in sub-section (*1*) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be, for the purposes of this sub-section, an article which is not what it is represented to be.

Protection to persons acting in good faith.

Provided that when any article of food referred to in this sub-section appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(*a*) that such substance has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or conceal the inferior quality thereof, or

(*b*) that in the process of production, preparation or conveyance of such article of food, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or by other means of public description, he has given sufficient notice that such substance has been so added, or

[1] General Acts, Vol. I.

(*d*) that—

(*i*) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(*ii*) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(*iii*) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Application for summons to be refused if not applied for within reasonable time.

(*3*) In all prosecutions under this section the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures.

143. The president, vice-president, or any councillor [1]* or officer authorized by the Municipality in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food, and inspect the weights and measures in use, and if the person in charge be found in possession of any false or defective weights or measures, or of weights and measures by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(*8*) *Prevention of dangerous diseases.*

Powers which may at any time be conferred.

144. (*1*) The Governor in Council [2] [in the case of City Municipalities, and the Commissioner in other cases,] may at any time [3] confer by notification on any Municipality designated therein, all or any of the powers specified in sub-section (*2*), and such Municipality shall, subject to all such limitations, restrictions, and conditions, if any, as the Governor in Council [2] [or the Commissioner, as the case may be,] in the same or in any subsequent notification may prescribe in such behalf, exercise within the municipal district every power so conferred on them, for such period as may be specified in this behalf in any such notification, or if no period is so specified then until such power is withdrawn.

---

[1] The comma after the word "councillor" was omitted by s. 24 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] These words were inserted by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] For a list of notifications conferring these powers on Municipalities, *see* Bombay Local Rules and Orders.

(2) The powers, all or any of which may be conferred under the preceding sub-section, are :

(a) power by orders, which may be either of special or general application, to direct that every medical practitioner, who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the Municipality in that behalf ;

(b) power to direct or authorize the inspection, without notice, or with such notice as to the person directed or authorized to inspect, appears reasonable, any place in which any dangerous disease is reported or suspected to exist, and the taking of measures to prevent the spread of the disease beyond such place ;

(c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place which may appear to the Municipality, on the advice of a medical officer, likely to engender or cause the spread of any dangerous disease ;

(d) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorized by the Municipality in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment ;

(e) power to require by written notice the owner or occupier of any building or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the Municipality in the circumstances of the case consider reasonable, at the expense of the Municipality ;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof;

(*g*) power—

(*i*) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(*ii*) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(*iii*) to direct that any conveyances that may at any time be used for conveying any such person shall be immediately disinfected;

(*h*) power to prohibit—

(*i*) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharamshala, theatre, market or other place of public resort, or

(*ii*) any person in charge of any person so suffering from so exposing such sufferer;

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharamshala or serai, in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the Municipality or of such officer as the Municipality appoint in this behalf;

(*k*) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(*3*) The Municipality may, in their discretion, give compensation to any person who sustains substantial loss by the destruction of any property

under this section, but, except as allowed by the Municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience to an order passed in exercise of such powers.

(*4*) Any person who in a municipal district disobeys any order which is for the time being in force therein, and which has been passed by the Municipality in exercise of any power conferred on such Municipality under this section, or obstructs any officer of the Municipality or other person acting under the authority of the Municipality in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipality on threatened or actual outbreak of dangerous disease.

145. (*1*) In the event of the municipal district or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease the Municipality shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

(*2*) In such event as aforesaid the Governor in Council [1] [in the case of City Municipalities, and the Commissioner in other cases,] may by special notification, declaring that such municipal district is threatened or visited with an outbreak of a dangerous disease, confer on the Municipality all or any of the additional powers specified in the following sub-section, and such Municipality shall, subject to such limitations, restrictions and conditions, if any, as the Governor in Council [1] [or the Commissioner, as the case may be] in the same or in any subsequent notification may prescribe, exercise every such power so conferred on them until the same is withdrawn by means of a like notification.

(*3*) The powers all or any of which may be conferred under the preceding sub-section are—

(*a*) power to order, subject to the conditions,

(*i*) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and

(*ii*) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein;

(*b*) power to direct the examination by a medical officer of persons, and if necessary, the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipal district, or residing in any building adjacent to any infected building, and to direct that any such

[1] These words were inserted by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days ;

(*c*) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty; in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Civil Surgeon of the district or other medical officer appointed by the Governor in Council on this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(*4*) The Municipality may in their discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section ; but except as allowed by the Municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penal clauses.

(*5*) If in any municipal district in which such declaration under sub-section (*2*) as aforesaid is for the time being in force, any person—

(*a*) knowingly disobeys any order which for the time being is in force in such district and which has been passed by the Municipality in exercise of any power conferred on them under section 144 or under this section, or

(*b*) obstructs any officer of the Municipality or other person acting under the authority of the Municipality in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

146. (*1*) The Governor in Council [1][or the Commissioner as the case may be] may at any time

(*a*) withdraw any power conferred under section 144 or under section 145 ;

(*b*) cancel or modify any limitation, restriction or condition prescribed in respect of any such powers, or

(*c*) cancel any order passed by a Municipality in exercise of any such power.

---

[1] These words were inserted by s. 2, Sch. I, Pt. II of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

(2) Every order passed by a Municipality in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipal district.

Duties of Municipality in respect of diseases among cattle, sheep or goats.

147. If in any municipal district any infectious disease amongst cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the Municipality shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

148. (1) Whenever the Municipality consider the interior of a building is so overcrowded as to be, or to be likely to become, dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Municipality may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of Magistrate.

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease, or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the owner of the said building shall have sublet the same, the landlord of the lodgers, tenants, or other actual inmates of the same shall for the purposes of this [1][section] be deemed to be the owner of the building.

(4) It shall be incumbent on any owner, to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

[1] This word was substituted for the word "sub-section" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

Special powers which may be conferred by the Governor in Council in respect of over-crowded areas notified by the Governor in Council.

149. (*1*) If the Governor in Council is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become crowded together ; or

(*b*) the impracticability of cleansing any such buildings or blocks of buildings, already existing or projected ; or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks or area as aforesaid ; or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings ;

he may by notification confer on the Municipality, to which such area is subject, all or any of the powers specified in sub-section (*2*), and may, if he deem necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions or regulations, subject to which the Municipality shall exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the Governor in Council.

(*2*) The powers all or any of which may be conferred on a Municipality under sub-section (*1*) are as follows :—

(*a*) power, when any building or block already existing or in course of erection, by reason of any defect specified in sub-section (*1*), has given or is in the opinion of the Municipality likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block, and addressed as the Municipality deem fit either to the owners thereof, or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall, within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the Municipality deem necessary to prevent all such risk of disease ;

(*b*) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such

action, if the persons addressed in the said notice neglect so to do within the time specified therein ;

(*c*) power, subject to a right of appeal to the Commissioner, whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space, and by general notice published in the manner provided in sub-section (*3*) of section 154, the erection of any building of or any building exceeding such dimensions as may be specified,

(*i*) on the site of any building which has, in whole or in part, in exercise of the power specified in clause (*a*), been pulled down, or

(*ii*) on any space not occupied by buildings, whether such space is private property or not and whether it is enclosed or not,

if the Municipality consider that in order to prevent such risk as aforesaid, such site or space should not be built upon, and either

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof :

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid to any person whose rights are affected by such prohibition.

(*3*) When, in pursuance of any notice under sub-section (*2*), any building has been pulled down, the Municipality shall, unless it has been erected contrary to any provision of this Act or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 160.

(*4*) In making any rule under sub-section (*1*) the Governor in Council may prescribe a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach of any order made or conditions imposed by the Municipality in exercise of the powers conferred upon them under this section or in pursuance of such rules.

Closing of places for disposal of the dead.

150. (*1*) If the Municipality be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, they may submit their opinion with the reasons therefor to the [1][Commissioner,] and the [1][Commissioner] thereupon, after such further

[1]This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

inquiry, if any, as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified on that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in the vernacular of the district shall be published in the local newspapers, if any, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

151. (1) If it be shown to the satisfaction of the Municipality that any building or place used or intended by any person to be used,

(*a*) for boiling or storing offal, blood, bones or rags;
(*b*) for salting, curing and storing fish;
(*c*) for storing hides, horns or skins;
(*d*) for tanning;
(*e*) for the manufacture of leather or leather goods;
(*f*) for dyeing;
(*g*) for melting tallow or sulphur;
(*h*) for washing or drying wool or hair;
(*i*) as a brick, pottery or lime kiln;
(*j*) for soap-making;
(*k*) for oil-boiling;
(*l*) as a manufactory of sago;
(*m*) as a distillery;
(*n*) for storing hay, straw, fodder, wood, coal or other combustible material;
(*o*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells arise, or which may involve risk of fire,

is, or is likely by reason of such use and of its situation to become, a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the Municipality may by written notice require the owner or occupier—

(*i*) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or.

(*ii*) to use it in such manner, or after such structural alterations, as the Municipality in such notice prescribes, so that it may not become, or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

(2) Whoever, after notice has been given under sub-section (*1*), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the Magistrate shall, on the application of the Municipality but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being used for any purpose mentioned in sub-section (*1*).

Penalty for unlicensed places in district in which by-laws under section 48 (*1*) (*b*) (*iii*) are in force.

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (*1*) in any municipal district in which by-laws are for the time being in force prescribing the conditions on [1][or] subject to which, the circumstances in which, and the areas [1][or] localities in respect of which, licenses for such use may be granted, refused, suspended [1][or] withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Prohibition of use of steam-whistles, etc.

[2] [**151A.** (*1*) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam or mechanical means for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipality.

(2) The Municipality may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of, or after the

---

[1] This word was substituted for the word "and" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[2] Section 151A was inserted by s. 25 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

withdrawal of, such license shall be punished with fine which may extend to fifty rupees.]

Loitering or importuning for purposes of prostitution.

152. Whoever in any street or public place within the limits of a municipal district loiters for the purpose of prostitution, or importunes any person to the commission of sexual immorality, shall be punished with fine which may extend to fifty rupees :

Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person importuned, or of a Police officer not below the rank of an officer in charge of a police-station and specially authorized in this behalf by the District Magistrate or by the Municipality.

Brothels.

[1]**153.** In any municipal district,

(*a*) any part of which is within three miles of a cantonment, or

(*b*) to which on the application of the Municipality the Governor in Council may by notification have declared this section to apply,

any Magistrate of the first class, on receiving information that a house within the limits of such district is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it, and, if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used :

Provided that action under this section shall be taken only

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipal district residing in the vicinity of the house to which the complaint refers.

(*10*) *Service of notices and penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

154. (*1*) The service of every notice, and the presentation of every bill under this Act, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorized by the Municipality in this behalf

(*a*) by giving or tendering this notice or bill to the person to whom it is addressed ; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode, if within the municipal limits, or by giving

[1] For notification applying s. 153 to the Satara Suburban Municipal District, *see* Bombay Government Gazette, 1903, Part IA, p. 89.

or tendering the notice or bill to some adult male member or servant of his family ; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices on "owners" or "occupiers" of buildings and lands.

(*2*) When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either

(*a*) by giving or tendering the notice to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or

(*b*) if no such owner or occupier be found, then by giving or tendering the [1][notice] to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

(*c*) if none of the means aforesaid be available, then by causing the [1][notice] to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(*3*) Every notice which this Act requires or empowers a Municipality to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period and in such other public buildings and places, or is published in such local papers or in such other manner, as the Municipality in by-laws in this behalf prescribes.

Defective form not to invalidate notice.

(*4*) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(*5*) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

---

[1] This word was substituted for the word "bill" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the Municipality to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Municipality shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in [1][section 160A].

Punishment for disobedience to orders and notices not punishable under any other section.

155. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a Municipality under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the Municipality under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Municipality in default of owner or occupier may execute works and recover expenses.

156. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Municipality, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to them by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the Municipality may seem fit:

Provided that—

Agreement for construction of drainage and water connections.

(a) whenever any drainage scheme or water-works scheme has been commenced by any Municipality, it shall be lawful for the Municipality, without prejudice to their powers under sub-section (1) or section 101 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the Municipality shall render, and any payment agreed upon by the

[1] The word, figures and the letter were substituted for the word and figures "section 160" by s. 2, Sch. II, Pt. II of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

owner shall be recovered in accordance with the terms of such agreement, or, in default, in the manner described in sub-sections (*2*) and (*3*):

Provided also that—

Improvement expenses.

(*b*) when an order has been passed under sub-section (*3*) of section 90, sub-section (*1*) of section 91, [1] [sub-section (*2*)] or (*6*) of section 96 or under sections 99, 101, 106 or 107 or when permission has been given under section 102, or when an arrangement has been made under proviso (*a*) of this sub-section, the Municipality may, without prejudice to any other powers under this Act, if they think fit, declare any expenses incurred as aforesaid by the Municipality to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the Municipality decide, including interest at the rate of six per cent. per annum and shall be recoverable in the manner described in sub-sections (*2*) and (*3*).

Power to levy charges on occupier who may deduct the same from his rent.

(*2*) If the defaulter be the owner of the building or land, the Municipality may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (*3*), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(*3*) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the Municipality, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

---

[1] This word and figure were substituted for the word and figure "sub-section (*1*)" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupiers, in default of owner, may execute works and deduct expenses from his rent.

157. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Municipality, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any occupier opposes the execution of the Act.

158. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he think fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall, for every day during which he so continues to refuse, be punished with a fine which may extend to fifty rupees; and every such owner during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Entry for purposes of the Act.

159. It shall be lawful for the president or vice-president, or any councillor or officer authorized by the Municipality for such purposes, to enter for the purposes of this Act, between sunrise and sunset, into and upon any building or land, as well for the purpose of making any survey or inspection they may be entitled to make as for the purpose of executing any work authorized by this Act to be executed by them:

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier:

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Arbitration in cases of compensation, etc.

160. (*1*) If a dispute arises with respect to any [1][compensation or damages] which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall be ascertained and determined by a panchâyat of five persons, of whom two shall be appointed by the Municipality, two by the party [2][to or from whom such [1][compensation or damages] may be payable or recoverable] and one, who shall be sir-panch, shall be selected by the members already appointed as above.

(*2*) If either party or both parties fail to appoint members, or if the members fail to select a sir-panch within one month from the date of either party receiving written notice from the other of claim to such [1][compensation or damages], such members as may be necessary to constitute the panchâyat shall be appointed, at the instance of either party, by the District Judge.

(*3*) In the event of the panchâyat not giving a decision within one month from the date of the selection of the sir-panch or of the appointment by the District Court of such members as may be necessary to constitute the panchâyat, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the [3]Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court :

I of 1894.

Provided that—

(*a*) no application to the Collector for a reference shall be necessary, and

(*b*) the Court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

Costs or expenses how determined and recovered.

[4][**160A.** If a dispute arises with respect to any costs or expenses which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Municipality and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.]

---

[1] These words were substituted for the words "compensation, damages, costs or expenses" by s. 26 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

[2] These words were substituted for the words "to receive compensation" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[3] General Acts, Vol. IV.

[4] Section 160A was inserted by s. 27 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipality may prosecute.

161. (*1*) The Municipality [1][and, in the case of offences against any of the provisions of this Act mentioned in section 183 (*d*), the chief officer] may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund:

Provided that no prosecution for an offence under this Act shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrate.

(*2*) Any prosecution under this Act or under any by-laws thereunder may, save as therein otherwise provided, be instituted before any Magistrate and every fine or penalty imposed under or by virtue of this Act or any by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Distress lawful though defective in form.

162. No distress levied by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Damage to municipal property how made good.

163. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of the Municipality shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

164. In lieu of proceeding by distress and sale, or in case of failure to realise by so proceeding the whole or any part of any amount recoverable

[1] These words, figures and letter were inserted by s. 28 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages awarded under this Act, it shall be lawful for the Municipality to sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any other way caused, or may appear likely to cause, any injury to any property, rights or privileges of the Municipality.

Power to compromise.

165. (*1*) The Municipality may compound or compromise in respect of any suit instituted by or against them, or, in respect of any claim or demand arising out of any contract entered into by them under this Act, for such sum of money or other compensation as they shall deem sufficient :

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The Municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in them, their officers and servants under this Act.

Assistance for the recovery of rent on land.

166. For the purpose of the recovery of any amount due on account of rent from any person to a Municipality in respect of any land vested in [1][or otherwise held by] such Municipality, the Municipality shall be deemed to be superior holders, and every such person an inferior holder, of such land, within the meaning of sections 86 and 87 of the [2]Bombay Land Revenue Code, 1879, and the Municipality as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land-revenue payable to them by inferior holders.

Bom. Act V of 1879.

Limitation of suits, etc.

167. No suit shall be commenced against any Municipality, or against any officer or servant of a Municipality, or any person acting under the orders of a Municipality, for anything done, or purporting to have been done, in pursuance of this Act, without giving to such Municipality, officer, servant or person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the date of the act complained of ;

and in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

---

[1] These words were inserted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[2] Vol. II of this Code.

Powers of Police officers.

168. (*1*) Any Police officer may arrest any person committing in his view any offence against any of the provisions of this Act or of any by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the Police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(*2*) It shall also be the duty of all Police officers to give immediate information to the Municipality of the commission of any offence against the provisions of this Act or of any by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

Municipal Accounts.

Presentation of accounts.

169. (*1*) Every Municipality shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the Municipality since the 1st day of April last preceding, and at a general meeting which shall, if possible, be held on such day between the 10th January and the 1st of March as may be fixed in this behalf by the rules of the Municipality, a complete account of the actual and expected receipt and expenditure for the financial year ending on the 31st March next following, together with a budget estimate of the income and expenditure of the Municipality for the financial year to commence on the 1st April next following.

Budget Estimates.

(*2*) The Municipality shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the 1st April next following. The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose.

(*3*) The Municipality shall at the general meeting in April, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past year.

Audit of accounts.

170. (*1*) The Municipal accounts shall from time to time, and once in every year at the least, be audited by such agency as may be prescribed in

the rules of the Municipality, or if the Governor in Council so direct, by a Government auditor.

(*2*) The auditor, or auditors, shall, for the purposes of their office, have access to all the accounts and other records of the Municipality.

(*3*) The Municipality shall pay from the Municipal fund such charges for the audit as may be agreed upon, or if the auditor is a Government auditor, then such charges as may be prescribed by the Governor in Council.

Transmission of accounts to Government.

171. The Municipality shall as soon as the annual accounts have been finally passed by them, transmit to the Governor in Council or any officer duly authorized by him, in this behalf, a copy thereof, or an account in such form as the Governor in Council may prescribe, and shall furnish such details and vouchers relating to the same as the Governor in Council or such officer may from time to time direct.

Publication of accounts.

172. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in the vernacular language of the district in such manner as the Municipality may prescribe in this behalf.

CHAPTER XII.

CONTROL.

Collector's powers of inspection and supervision.

173. (*1*) The Collector shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any Municipality, or any work in progress under them or under their direction ;

(*b*) to call for any extract from the proceedings of any Municipality or of any committee or for any book, or document in the possession of or under the control of a Municipality, and any return, statement, account, or report which he may think fit to require such Municipality to furnish ;

(*c*) to require a Municipality to take into their consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Municipality, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Municipality, and to make a written reply to him within a reasonable time stating their reasons for not desisting from doing, or for not doing, such thing.

(*2*) All or any of the powers given to the Collector by this section may be delegated by him to the Assistant or Deputy Collector in charge of a taluka in so far as concerns any Municipality other than a City Municipality in such taluka.

Collector's powers of suspending execution of orders, etc., of Municipalities.

174. (*1*) If, in the opinion of the Collector, the execution of any order or resolution of a Municipality, or the doing of anything which is about to be done or is being done by or on behalf of a Municipality, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or [1]* is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Collector's order to be reported to Commissioner, who may confirm or modify it.

(*2*) When a Collector makes any order under this section, he shall forthwith forward to the Commissioner and to the Municipality affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Every case under this section to be reported to Government for their final orders.

(*3*) The Commissioner shall forthwith submit to the Governor in Council a report of every case occurring under this section, and the Governor in Council may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Extraordinary powers of Collector in case of emergency.

175. (*1*) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a Municipality are empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Municipality.

(*2*) If the expense and remuneration are not so paid, the Collector may make an order directing any person, who for the time being has custody of any moneys on behalf of the Municipality, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(*3*) The provisions of sub-sections (*2*) and (*3*) of section 174 shall apply, so far as may be, to any order made under this section.

Power of Commissioner to

176. If in the opinion of the Commissioner the number of persons who are employed by a Municipality as officers or servants, or whom a Municipality

[1] The word "which" was repealed by s. 10 of the Bombay District Municipal Amendment Act, 1904 (Bom. Act 4 of 1904), *infra*.

propose to employ, or the remuneration assigned by the Municipality to those persons, or to any particular person, is excessive, the Municipality shall, on the requirement of the Commissioner, reduce the number of the said persons or the remuneration of the said person or persons:

prevent extravagance in the employment of establishment.

Provided that the Municipality may appeal against any such requirement to the Governor in Council, whose decision shall be conclusive.

177. (*1*) It shall be lawful for the Governor in Council—

Governor in Council may require any City Municipality to appoint a chief officer, health officer or an engineer.

(*i*) to require, if in his opinion at any time such an appointment is necessary, the appointment of a chief officer or of a health officer, or of an engineer, or any one or more of such appointments, to be made by any City Municipality;

(*ii*) to make in his discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such Municipality, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the Municipality;

(*iii*) to require that any person appointed to be a chief officer [1][or a Municipal Commissioner] shall be invested by any such Municipality with all or any of the powers which can under this Act or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 183 [1][or by Chapter XIIIA, as the case may be];

(*iv*) to require that all or any of the powers referred to in section 144 or in section 145 (if the conditions under which that section comes into operation exist) shall be delegated by any such Municipality, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Governor in Council may deem fit.

(*2*) Any requisition issued to the Municipality under clause (*i*), (*iii*) or (*iv*) of sub-section (*1*) above shall be complied with within such time as the Governor in Council may in each case prescribe in that behalf.

178. (*1*) When the Governor in Council is informed, on complaint made or otherwise, that a Municipality have made default in performing any duty imposed on them by or under this Act, or by or under any enactment for the

Power of Government to provide for performance of duties in

[1] These words were inserted by s. 29 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

default of Municipality.

time being in force, the Governor in Council, if satisfied after due inquiry that the Municipality have been guilty of the alleged default, may direct the Commissioner to fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Municipality.

(3) If the expense and remuneration are not so paid, the Commissioner may make an order directing any person, who for the time being has custody of any moneys on behalf of the Municipality, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to supersede Municipality in case of incompetency, default or abuse of powers.

179. (1) If, in the opinion of the Governor in Council, any Municipality are not competent to perform, or persistently make default in the performance of, the duties imposed on them by or under this Act, or otherwise by law, or exceed or abuse their powers, the Governor in Council may, by an order published, with the reasons for making it, in the Bombay Government Gazette declare the Municipality to be incompetent or in default, or to have exceeded or abused their powers, as the case may be, and supersede them for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the Municipality are so superseded, the following consequences shall ensue :—

(a) all councillors of the Municipality shall, as from the date of the order, vacate their offices as such councillors ;

(b) all powers and duties of the Municipality shall, during the period of supersession, be exercised and performed by such person or persons as the Commissioner from time to time appoints in that behalf ;

(c) all property vested in the Municipality shall, during the period of supersession, vest in His Majesty.

Power after inquiry to continue period of supersession.

(3) If, after inquiry made, the Governor in Council so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Governor in Council for the re-establishment of the Municipality.

(4) The Municipality shall be re-established by the election or appointment of new councillors under the provisions of this Act applicable thereto,

(a) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1), and

(*b*) if a direction has been made under sub-section (*3*), then on such date as is fixed under that section for the re-establishment of the Municipality.

Powers of Government and of the Commissioners over Collectors, etc.

180. In all matters connected with this Act, the Governor in Council, each Commissioner and each Collector shall, respectively, have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, as he has and exercises over them in the general and revenue administration.

CHAPTER XIII.

Special Provisions for City Municipalities.

Constitution of City Municipalities.

181. (*1*) The Governor in Council may, at any time, in respect of any municipal district which contains a population of not less than fifteen thousand inhabitants, declare, by notification, the Municipality thereof, which shall be specified in the notification, to be a City Municipality.

(*2*) The Governor in Council may, in respect of any Municipality so declared, or in respect of any Municipality specified in Schedule E, direct by notification, specifying such Municipality, that from such date as shall be fixed by the notification containing such direction, the Municipality specified shall cease to be a City Municipality and such Municipality shall, on the date fixed, cease to be a City Municipality accordingly.

City Municipality may appoint a chief officer, health officer and engineer.

182. (*1*) Any City Municipality may, if they think fit, appoint a chief officer and a health officer and an engineer, or any one or more of such officers or such Municipality may in their discretion appoint one person, whether temporarily or permanently, to discharge the duties of any two or of all of such offices.

(*2*) No such officer shall, save with the previous sanction of the Governor in Council, be removeable from office unless by the votes of at least three-fourths of the whole number of councillors.

(*3*) When a chief officer shall have been appointed, all other officers and servants employed by the Municipality shall be subordinate to him.

Powers of chief officer.

183. The chief officer in a City Municipality shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the Municipality under the provisions of this Act:

(*a*) he shall have power, subject to the provisions of this Act and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a Municipality under this Act, other than licenses for markets or slaughter-houses; and

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license, in any case in which he is empowered as aforesaid to grant or give a license, and in which the Municipality may under the provisions aforesaid suspend, withhold or withdraw such license;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;

(*d*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a Municipality under any provisions contained in—

(*i*) sub-section (*2*) of section 91,

(*ii*) [1][sub-section (*2*)], sub-section (*3*) or clause (*a*) of sub-section (*5*) of section 96,

(*iii*) section 102,

(*iv*) sub-section (*1*) of section 110,

(*v*) section 111,

(*vi*) section 114,

(*vii*) section 115,

(*viii*) section 118,

(*ix*) section 119,

(*x*) section 121,

(*xi*) section 122,

(*xii*) section 123,

(*xiii*) section 124,

(*xiv*) section 125,

(*xv*) section 126,

(*xvi*) section 127,

(*xvii*) section 128,

(*xviii*) section 130,

---

[1] This word and figure were substituted for the word and figure "sub-section (*1*)" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

(*xix*) sub-section (*1*) of section 131,

(*xx*) section 132,

(*xxi*) section 134,

(*xxii*) section 142,

(*xxiii*) section 143,

(*xxiv*) clause (*b*) of sub-section (*2*) of section 144.

Chief officer's power of appointment and punishment.

184. The chief officer shall have, independently of such powers as may be delegated to him by the Municipality in this behalf, power—

(*a*) to appoint—

(*i*) without the previous sanction of the Municipality, to any post the monthly salary for which as fixed by rules made under clause (*b*) of section 46 does not exceed Rs. 15, and

(*ii*) with such previous sanction in each case, to any post under the Municipality other than that of the health officer, engineer or chief accountant, and

(*b*) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 15, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the health officer, engineer, or chief accountant, provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal to the Municipality.

Delegation of chief officer's powers.

185. The chief officer may, with the sanction of the Municipality, delegate any of the powers conferred on him to any officer subordinate to him.

Chief officer may take part in discussions.

186. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the Municipality or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

---

[1][CHAPTER XIIIA.

THE MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

Appointment of Municipal Commissioner.

186A. (*1*) Notwithstanding anything contained in Chapter XIII, the Governor in Council may make an appointment of a Municipal Commissioner—

(*a*) for any municipal district which contains a population of not less than one hundred thousand inhabitants; and

[1] Chapter XIIIA was inserted by s. 3 of the Bombay District Municipal Amendment Act, 1914 (Bom. Act 8 of 1914), Vol. V of this Code.

(*b*) for any other municipal district on the application of the Municipality in this behalf, provided that such application has been previously supported by not less than two-thirds of the whole number of councillors.

Population how ascertained.

(*2*) The population of a municipal district shall be deemed to be the population as ascertained in the latest census taken in such municipal district, unless the Governor in Council thinks fit to direct that a special census may be taken in such municipal district for the purpose of ascertaining the population, whereupon the population shall be deemed to be the population as ascertained in such special census.

Subsequent reduction of population.

(*3*) When the appointment of a Municipal Commissioner has been once made for a municipal district which contained at that time a population of not less than one hundred thousand inhabitants as ascertained in sub-section (*2*), such appointment shall not cease by reason only of the fact that the population of such municipal district has fallen short of one hundred thousand inhabitants.

Appointment of chief officer to cease on appointment of a Municipal Commissioner.

(*4*) On the appointment of a Municipal Commissioner the appointment of a chief officer, whether made under section 177 or section 182, shall forthwith terminate: provided that the appointment of a Municipal Commissioner shall not be made until such notice has been given to the chief officer, if any, as the terms of his appointment entitle him to receive and until the expiry of the period specified in such notice.

Discontinuance of appointment.

(*5*) The Governor in Council may at any time discontinue the appointment of a Municipal Commissioner for any municipal district for which such appointment has been made.

Term of office.

186B. (*1*) A Municipal Commissioner shall hold office for a period of three years, in the first instance, and thereafter for such further period as the Governor in Council may in each case determine.

Removal from office.

(*2*) A Municipal Commissioner may be removed from office at any time by the Governor in Council if it shall appear to the Governor in Council that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(*3*) A Municipal Commissioner shall be forthwith removed from office by the Governor in Council on the application of the Municipality in this behalf, provided that such application has been previously supported by not less than three-fourths of the whole number of councillors.

Salary of Municipal Commissioner.

186C. (*1*) A Municipal Commissioner shall receive from the municipal fund such monthly salary as the Municipality shall, subject to the approval of the Governor in Council, from time to time determine.

(2) A Municipal Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatsoever: Prohibition of engagement in other business.

Provided that he may at any time, with the sanction of the Municipality, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

186D. (1) The Governor in Council may, from time to time, with the assent of the Municipality, grant leave of absence for such period as he thinks fit to a Municipal Commissioner. Leave of absence.

(2) The allowance to be paid to a Municipal Commissioner, while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Governor in Council: Leave allowance.

Provided that, if the Municipal Commissioner is a salaried servant of Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of Government of his class.

(3) During any absence on leave, or other temporary vacancy in the office, of a Municipal Commissioner the Governor in Council may appoint a fit person to act as Municipal Commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Act or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable. Appointment of substitute.

186E. (1) When a salaried servant of Government is appointed to be a Municipal Commissioner, the Municipality shall, unless specifically exempted wholly or in part from liability by the Governor General in Council, contribute to his pension and leave allowances to the extent required by proviso (*b*) to section 46. Contributions from Municipality towards pension and leave allowances of Municipal Commissioner.

(2) When a person other than a salaried servant of Government is appointed to be a Municipal Commissioner, the Municipality shall pay from the municipal fund the whole of his leave allowances fixed, as hereinbefore provided, by the Governor in Council, and may, with the sanction of the Governor in Council, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

Power of Municipality to require returns, reports or production of documents.

186F. (*1*) The Municipality may require the Municipal Commissioner to furnish them with—

(*a*) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of this Act or to the municipal government of the municipal district;

(*b*) a report on any such matter;

(*c*) a copy of any document in his charge.

(*2*) The Municipal Commissioner shall comply with every such requisition without unreasonable delay.

Powers of Municipal Commissioner and limitations thereon.

186G. A Municipal Commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the Municipality under the provisions of this Act :—

(*1*) he shall exercise all the powers specifically conferred on the chief officer in a City Municipality by the provisions of this Act ; and

(*2*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a Municipality under any of the provisions contained in the following sections or sub-sections, namely :—

63,
64,
65,
66,
67,
68,
69,
71,
76,
78,
79, sub-sections (*3*), (*4*) and (*5*),
80,
82,
83,
84,
90,
91,

91A,
92,
93,
94,
95,
96,
97,
98,
99,
100,
101,
103,
105,
106,
107,
108,
109,
110, sub-section (*2*),
112, sub-section (*1*),
113,
116,
120,
135,
136,
139, sub-section (*4*),
144,
145,
146,
147,
148,
151,
152,
154,
155,
156,
157,
159,
160A, and
161:

Provided as follows :—

(*a*) the powers conferred on the Municipality by or under the provisions contained in section 71, section 90, section 91, section 91A, sub-section (*1*) of section 106, sub-section (*1*) of section 116, and, in the case of a well, section 135 shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the Municipality or, in the absence of such orders, with the previous approval of the Municipality ;

(*b*) the powers conferred on the Municipality by or under any of the provisions of this Act—

(*i*) to make rules or by-laws, and

(*ii*) to authorize the president, or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the Municipal Commissioner ;

(*c*) property, whether moveable or immoveable, vested in or belonging to or otherwise held by the Municipality shall not be deemed to vest in or to belong to or otherwise to be held by the Municipal Commissioner ;

(*d*) the power conferred by section 161 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the Municipal Commissioner except with the previous approval of the Municipality :—

section 44,

section 45,

sub-section (*4*) of section 91,

sub-section (*4*) of section 91A,

section 138, and

sub-section (*4*) of section 149.

Municipal Commissioner deemed to be authorized in certain matters although not expressly so authorized.

186H. When a Municipality empowered by any of the provisions of this Act or by any by-laws made hereunder to authorize an officer to exercise any power whatever or to do anything, have so authorized any officer, they shall be deemed so to have authorized the Municipal Commissioner, notwithstanding that they have not expressly so authorized him.

186I. Whoever disobeys or fails to comply with a lawful direction given by the Municipal Commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the Municipality in the same matter. Punishment for person disobeying lawful direction given by Municipal Commissioner.

186J. (*1*) A Municipal Commissioner shall have, independently of such powers as may be delegated to him by the Municipality in this behalf, power without the sanction of the Municipality— Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.

(*a*) to appoint, subject to the rules for the time being in force under sub-clause (*ii*) of clause (*b*) of section 46, a fit person to any post, under the Municipality, the monthly salary for which does not exceed rupees one hundred, other than to the post of the health officer, engineer, chief accountant, secretary or auditor;

(*b*) to grant, subject to the rules for the time being in force under clause (*f*) of section 46, leave of absence to the holder of any post to which the Municipal Commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence;

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the Municipal Commissioner has power to appoint:

Provided that no holder of a post the monthly salary for which exceeds rupees fifty shall be dismissed by the Municipal Commissioner without the approval of the Municipality.

(*2*) When a Municipal Commissioner has been appointed under the provisions of this Act, all other officers and servants employed by the Municipality shall be subordinate to him.

186K. Notwithstanding anything contained in section 24, in section 184 and in section 186J, the powers conferred on the Municipality, or on a committee appointed under section 28, by or under any of the provisions of this Act to appoint, grant leave of absence to, punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the Municipality or employed in any educational institution aided by the Municipality shall not be exercised either by the chief officer or by the Municipal Commissioner. Municipal Commissioner not to exercise powers of Municipality over masters and teachers.

Orders not subject to appeal except certain cases.

186L. No appeal shall lie to the Municipality in respect of any order passed or anything done by a Municipal Commissioner in the exercise of the powers conferred upon him by or under the provisions of this Act except in the case of an order passed or anything done by him under any of the following sub-sections, namely :—

(*i*) sub-sections (*1*) and (*2*) of section 92,

(*ii*) sub-section (*1*) of section 98,

(*iii*) sub-section (*2*) of section 103,

(*iv*) sub-section (*2*) of section 131,

(*v*) sub-section (*1*) of section 151, and

(*vi*) clause (*b*) of sub-section (*1*) of section 156.

Delegation of powers of Municipal Commissioner.

186M. (*1*) With the sanction of the Municipality, the Municipal Commissioner may, by general or special order in writing, delegate to any municipal officer or servant any of the Municipal Commissioner's powers, duties, or functions under this Act or under any rule or by-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely :—

151, 161 and 186J.

(*2*) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (*1*) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order, and also to control and revision by the Municipal Commissioner.

Power to execute contracts on behalf of Municipality.

186N. In any Municipality for which a Municipal Commissioner has been appointed, notwithstanding anything contained in section 40, the following provisions with respect to the making of contracts under or for any purpose of this Act shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the Municipality by the Municipal Commissioner ;

(*b*) no such contract for any purpose which the Municipal Commissioner is not empowered by this Act to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immoveable property shall be entered into by the Municipal Commissioner except with the approval or sanction of the Municipality ;

(*d*) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the Municipal Commissioner except with the approval or sanction of the Municipality,

(*e*) every contract made by the Municipal Commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the Municipality;

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

Mode of executing contracts.

1860. (*1*) Notwithstanding anything contained in sub-sections (*6*) and (*7*) of section 40, every contract entered into by a Municipal Commissioner on behalf of a Municipality shall be entered into in such manner and form as would bind such Municipal Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that—

(*a*) Where any such contract, if entered into by a Municipal Commissioner, would require to be under seal, the same shall be sealed with the common seal of the Municipality, and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the Municipality and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(*2*) The common seal of the Municipality shall not be affixed to any contract, or other instrument, except in the presence of two members of the Managing Committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the

signatures of any witnesses to the execution of any such contract or instrument.

(*3*) No contract not executed in the manner provided in this section shall be binding on the Municipality.

Tenders to be invited for contracts involving expenditure exceeding Rs. 1,000.

186P. (*1*) Except as is otherwise provided in sub-section (*3*), a Municipal Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) A Municipal Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*d*) of section 186-N., any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(*3*) The Municipality may authorize the Municipal Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

186Q. A Municipal Commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.]

CHAPTER XIV.

Notified Areas.

Constitution of notified areas.

187. (*1*) The Governor in Council may by notification declare that with respect to some or all of the matters upon which a municipal fund may be expended under this Act, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipal district under section 7.

(*2*) An area in regard to which a notification has been issued under sub-section (*1*) is hereinafter called a notified area.

(*3*) No area shall be made a notified area unless it—

(*i*) contains a town which is the head-quarters of a taluka, or

(*ii*) is within a distance of one mile from a railway station :

and no such area shall include two or more towns or villages which are separated by an extent of more than one mile of land unoccupied by houses.

Power of Government to impose taxation and regulate expenditure of the proceeds thereof.

188. (*1*) The Governor in Council may by notification—

[1][(*a*) apply or adapt to any notified area the provisions of any section of this Act, or part of any such section, or of any rules in force or which can be imposed in any municipal district under the provisions of this Act, subject to such restrictions and modifications, if any, as he may think fit;]

(*b*) impose in any such area any tax, which might be imposed therein under the provisions of this Act if the said area were a municipal district;

(*c*) appoint a person or a committee for the purposes of the assessment and recovery of any tax imposed under clause (*b*), and in order to arrange for the due expenditure of the proceeds of such taxes, and for the preparation and maintenance of proper accounts, and generally for enforcing the provisions of any section [2][or rules applied or adapted] under clause (*a*) :

Provided that in any such area as is described in clause (*i*) of sub-section (*3*) of section 187, a committee shall be appointed for such purposes consisting of not less than three or more than five persons of whom a majority shall be residents of such area.

(*2*) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which if the notified area were a municipal district, the municipal fund thereof might be expended.

Application of Act to notified areas.

189. For the purposes of any section of this Act which may be [3][applied] to a notified area, the person or committee appointed for such area under section 188 shall be deemed to be a Municipality under this Act, and the area shall be deemed to be a municipal district.

Preliminaries to notification.

190. (*1*) Before issuing any notification under sub-section (*1*) of section 187 or under clause (*a*) or (*b*) of sub-section (*1*) of section 188, the Governor in Council shall, so far as may be, follow the procedure prescribed in section 8.

Power to cancel notification.

(*2*) The Governor in Council may at any time cancel any notification under section 187 or 188.

Application of funds of areas ceasing to be notified.

191. When by reason of any order of cancellation under the last foregoing section any area ceases to be notified, the unexpended proceeds of any taxes levied therein under section 188 shall be applied for the benefit of the inhabitants of the said area as the Governor in Council may think fit.

---

[1] Clause (*a*) was substituted by s. 2 (*1*) (*a*) of the Bombay District Municipal (Amendment) Act, 1903 (Bom. Act 3 of 1903), *infra*.

[2] These words were substituted for the word "applied" by s. 2 (*1*) (*b*) *ibid.*

[3] This word was substituted for the word "extended" by s. 2 (*2*) *ibid.*

SCHEDULE A.

[*See* clause (*b*)[1] ** of section 60.]

Notice is hereby given to the inhabitants of the municipal district of that the Municipality desire to impose the tax, rate, toll, octroi or cess (*as the case may be*) defined in the rules appended, [in lieu of the tax known as the , which is published at page of the sanctioned rules.]*

* To be inserted if the tax is to be substituted for any existing tax.

Any inhabitants of the municipal district objecting to the proposed tax may, within [2] [one month] from the date of this notice, send his objections in writing to the Municipality.

RULES.

[*The rules prepared by the Municipality under clause* (*b*)[1] ** *of section 60 are to be appended here.*]

SCHEDULE B.

[*See* sub-section (*3*) of section 82.]

Form of Notice of Demand.

To

A. B., residing at

Take notice that the Municipality of demand from the sum of due from on account of (*here describe the property or other subject in respect of which the tax is leviable*) leviable under rule No. for the period of commencing on the day of 19 and ending on the day of 19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at , and sufficient

---

[1] The words "of sub-section (*3*)" were repealed by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[2] These words were substituted for the words "a fortnight" by *ibid*.

cause for non-payment is not shown to the satisfaction of the Municipality, a warrant of distress will be issued for the recovery of the same with cost.

Dated this *day of* *19* .

(Signed)

By order of the Municipality of

SCHEDULE C.

[*See* sub-section (*1*) of section 83.]

Form of Warrant.

(*Here insert the name of the officer charged with the execution of the warrant.*)

Whereas *A B* of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due for the tax * mentioned in the margin for the period commencing on the day of 19 , and ending with the day of 19 , and leviable under rule No. ;

(*Here describe the tax.)

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain, subject to the provisions of section 83 of the Bombay District Municipal Act, 1901, the goods and chattels of the said *A B* to the amount of , being the amount due from him, as follows :—

	Rs.	A.	P.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this *day of* *19* .

(Signed)

President (or as the case may be), see section 83 (*2*).

SCHEDULE D.[1]

(*See* clause (*c*) of sub-section (*4*) of section 83 [2] [and sub-section (*1*) of section 79].)

(*Form of Inventory and Notice.*)

To

A B, residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the value of due for the tax * mentioned in the margin for the period commencing with the day of 19 and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at the said amount together with the costs of recovery, the said goods and chattels will be sold.

(*Here describe the tax.)

Dated this day of 19 .

(Signature of officer executing the warrant.)

INVENTORY.

(*Here state particulars of goods and chattels seized.*)

SCHEDULE E.

[*See* clause (*1*) of section 3 and sub-section (*2*) of section 181.]

Name of Municipality.	Division.
Ahmedabad	Northern Division.
Broach	
Surat	
Belgaum	Southern Division.
Dhárwár	
Hubli	
Sholápur	Central Division.
Ahmednagar	
Násik	
Poona	
Karáchi	Province of Sind.
Hyderabad	
Shikárpur	
Sukkur	

[1] *See* footnote 1 on p. 126 *supra*.

[2] These words and figures were inserted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

BOMBAY ACT No. IV OF 1901.[1]

[6th April, 1901.]

An Act to amend the City of Bombay Improvement Act, 1898.

WHEREAS it is expedient to amend the [2] City of Bombay Improvement Act, 1898 : It is hereby enacted as follows :— Bom. Act IV of 1898.

1. This Act may be cited as the City of Bombay Improvement Amendment Act, 1901, and shall be construed as part of the City of Bombay Improvement Act, 1898, hereinafter referred to as the said Act.

2. In sub-section (2) of section 19 of the said Act, the words "and two other Trustees" shall be omitted.

3. After section 19 of the said Act there shall be inserted the following new section, namely :

[*Supra.*]

4. For sub-section (2) of section 31 of the said Act there shall be substituted the following sub-section, namely :

[*Supra.*]

5. After section 41 of the said Act there shall be inserted the following new section, namely :

[*Supra.*]

6. For sub-section (4) of section 48 of the said Act there shall be substituted the following sub-section, namely :

[*Supra.*]

7. In sub-section (4) of section 60 of the said Act, after the words "Cooperage Plot" the word "and" shall be omitted, and after the word "Secretariat Plot" there shall be inserted the words "and the Marine Lines Estate".

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. I, p. 99, and for Proceedings in Council, *see ibid*, p. 172.

[2] *Supra.*

BOMBAY ACT No. V OF 1901.[1]

[*16th May, 1901.*]

An act to amend the Bombay Abkari Act, 1878.

WHEREAS it is expedient further to amend the [2]Bombay Abkari Act, 1878, in manner hereinafter appearing; It is enacted as follows:— Bom. Act V of 1878.

Short title. **1.** This Act may be cited as the Bombay Abkari Act Amendment Act, 1901.

Amendment of heading to Part IV. **2.** In the [2]Bombay Abkari Act, 1878, hereinafter called the said Act, for the heading to Part IV thereof, there shall be substituted the following, *viz.*:— Bom. Act V of 1878.

"*IV.—Cultivation and Manufacture.*"

Amendment of section 3. **3.** In clause (9) of section 3 of the said Act, after the word "bhang," there shall be inserted the word "charas" and after the figure "1878" there shall be inserted the following, *viz.*:—

"and

'hemp' means any variety of the hemp plant from which intoxicating drugs can be produced."

Amendment of sections 9, 10, 11, 13, 37 and 40. **4.** In sections 9, 10, 11, 13, 37 and 40 of the said Act after the word "liquor" wherever it occurs there shall be inserted the word "hemp".

Amendment of section 12. **5.** In line 1 of section 12 of the said Act after the word "liquor" there shall be inserted the word "hemp".

Amendment of section 14. **6.** In section 14 of the said Act for the first word thereof there shall be substituted the following, *viz.*:—

"No one shall cultivate hemp and no".

New section after section 14. **7.** After section 14 there shall be inserted the following section, *viz.*:—

[Vol. II of this Code.]

Amendment of section 16. **8.** In section 16 of the said Act after the words "no liquor" there shall be inserted the following, *viz.*:—

"No hemp",

and for the second proviso to the same section there shall be substituted the following, *viz.*:—

[Vol. II of this Code.]

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. IV, p. 94; for Report of Select Committee, *see ibid*, p. 100, and for Proceedings in Council, *see ibid*, pp. 113 and 228.

[2] Vol. II of this Code.

9. For section 27 of the said Act there shall be substituted the following, *viz.* :— Amendment of section 27.

[Vol. II of this Code.]

10. After section 27 of the said Act as herein amended there shall be inserted the following sections, *viz.*:— New sections after section 27.

[Vol. II of this Code.]

11. After section 31 of the said Act there shall be inserted the following, *viz.* :— Amendment of section 31.

[Vol. II of this Code.]

12. For clause (*f*) of section 35 of the said Act there shall be inserted the following, *viz.* :— Amendment of section 35.

[Vol. II of this Code.]

13. In clause (*a*) of section 36 of the said Act after the words "by night any," there shall be inserted the word "warehouse," and after the word "liquor" wherever it occurs there shall be added the word "hemp". Amendment of section 36.

In clause (*b*) of the same section after the words "believe that liquor" there shall be inserted the word "hemp".

In clause (*d*) of the same section after the word "liquor" there shall be inserted the word "hemp".

14. In clauses (*a*) and (*b*) and (*g*) of section 43 of the said Act after the word "liquor" there shall be inserted the word "hemp," and after clause (*g*) of the same section there shall be inserted the following, *viz.*:— Amendment of section 43.

"or

(*h*) cultivates hemp."

15. In section 53 of the said Act after the words "any liquor" there shall be inserted the following, *viz.*:— Amendment of section 53.

"or hemp".

16. For section 54 of the said Act there shall be substituted the following, *viz.*:— Amendment of section 54.

[Vol. II of this Code.]

17. After section 58 of the said Act there shall be inserted the following section, *viz.*:— New section after section 58.

[Vol. II of this Code.]

BOMBAY ACT No. VI OF 1901.[1]

[*5th October, 1901.*]

An Act to amend the Bombay Land Revenue Code, 1879.

WHEREAS it is expedient to amend the [2] Bombay Land Revenue Code, 1879, in manner hereinafter appearing; It is enacted as follows:— Bom. Act V of 1879.

Short title.

1. (*1*) This Act may be called the Bombay Land Revenue Code Amendment Act, 1901.

Commencement.

(*2*) It shall come into force at once.

Amendment of section 3, clause (*9*).

2. In the [2] Bombay Land Revenue Code, 1879, hereinafter called the Code, in section 3 (*9*), for the word "vacant" the words "unploughed ridge or" shall be substituted. Bom. Act V of 1879.

Amendment of section 48.

3. (*1*) In sub-clause (*b*) of the first paragraph of section 48 of the Code, before the words "from which" the words "appropriated for any purpose" shall be inserted.

(*2*) For the second paragraph of the same section the following shall be substituted, namely:—

[Vol. II of this Code.]

Substitution of new clause for section 52.

4. For section 52 of the Code the following shall be substituted, namely:—

[Vol. II of this Code.]

Saving validity of past assessments purporting to have been fixed under section 52.

5. Any assessment of land revenue heretofore fixed by the Collector, which expressly purports, or may be reasonably held to have been intended, to have been fixed under section 52 shall be valid and deemed to have been fixed under that section as amended by the foregoing section of this Act, and the amounts due according to such assessment shall, until duly revised or altered continue to be levied.

Amendment of section 56.

6. In section 56 of the Code, the words "freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in anywise subsisting as against such occupant, or holder," are hereby repealed, and at the end of the section the following shall be added, namely:—

"and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by restoration to the defaulter, or by transfer to another person or otherwise howsoever, shall, unless the Collector otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created in favour of any person other than Government in respect of such occupancy or holding."

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. V, p. 246; for Report of Select Committee, *see ibid*, p. 251, and for Proceedings in Council, *see ibid*, pp. 264, 332 and 364.

[2] Vol. II of this Code.

7. In the penultimate paragraph of section 61 of the Code, the words "he may have," where they occur before the word "raised" and before the word "erected," are hereby repealed. Amendment of section 61.

8. (*1*) In sections 67 and 68 of the Code, after the word "terms" the words "or conditions" shall be inserted. Amendment of sections 67 and 68.

(*2*) To section 68 of the Code the following proviso shall be added, namely :—

[Vol. II of this Code.]

9. To section 70 of the Code the following proviso shall be added, namely :— Amendment of section 70.

[Vol. II of this Code.]

10. For section 73 of the Code, the following shall be substituted namely :— Amendment of section 73.

[Vol. II of this Code.]

11. After section 73 of the Code the following section shall be inserted, namely :— Addition of a section 73A.

[Vol. II of this Code.]

12. After section 79 of the Code the following section shall be inserted, namely :— Addition of a section 79A.

[Vol. II of this Code.]

13. In section 81 of the Code, after the words "or that a sale" the words "or other disposal" shall be inserted, and after the words "instead of selling" the words "or otherwise disposing of" shall be inserted. Amendment of section 81.

14. (*1*) In the first paragraph of section 122 of the Code, for the words "cause to be constructed or repaired" the words "specify, or cause to be constructed, laid out, maintained or repaired," shall be substituted. Amendment of section 122.

(*2*) In the second paragraph of the same section between the words "construct" and "or repair," in the first two places where they occur, the words "lay out, maintain," shall be inserted, and in the third place where they occur the words "lay out" shall be inserted.

(*3*) For the last paragraph of the same section the following shall be substituted, namely :—

[Vol. II of this Code.]

15. In section 124 of the Code, before the words "maintenance and repair" the words "construction, laying out," shall be inserted. Amendment of section 124.

16. To section 153 of the Code the following proviso shall be added, namely :— Amendment of section 153.

[Vol. II of this Code.]

17. In clause (*g*) of section 214 of the Code after the words "survey settlement" the words "and the maintenance of boundary marks" shall be added. Amendment of section 214.

BOMBAY ACT No. I OF 1902.[1]

[*1st March, 1902.*]

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1895.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1895; and whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows :—

Title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1902, and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1895, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1902.

(*2*) This Act shall come into force on the first day of March, 1902.

Definition clause.

2. In this Act "section" means a section of the Dekkhan Agriculturists' Relief Act, 1879.

3. To section 59 there shall be added the following, namely :—

[Vol. I of this Code.]

BOMBAY ACT No. II OF 1902.[2]

[*1st April, 1902.*]

An Act to amend the Karachi Port Trust Act, 1886.

WHEREAS it is expedient to amend the Karachi Port Trust Act, 1886, in manner hereinafter appearing; It is enacted as follows :— Bom. Act VI of 1886.

Short title.

1. (*1*) This Act may be cited as the Karachi Port Trust Act Amendment Act, 1902.

Commencement.

(*2*) Section 3 shall come into force on the first day of April, 1902. The rest of this Act shall come into force at once.

Amendment of section 5.

2. In the Karachi Port Trust Act, 1886, hereinafter referred to as the said Act, for section 5 thereof there shall be substituted the following, namely :— Bom. Act VI of 1886.

[Vol. II of this Code.]

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. V, p. 448, and for Proceedings in Council, *see ibid*, 1902, Pt. VII, p. 154.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1900, Pt. V, p. 55; for Report of Select Committee, *see ibid*, 1902, Pt. VII, p. 1, and for Proceedings in Council, *see ibid*, 1901, Pt. V, p. 115; *ibid*, 1902, Pt. VII, p. 151.

3. For section 7 of the said Act there shall be substituted the following, namely :— Amendment of section 7.

[Vol. II of this Code.]

4. Section 10 of the said Act and the first portion of section 11 thereof down to and inclusive of the words " In every other case " are repealed. Repeal of section 10 and of portion of section 11.

5. In section 12 of the said Act the first paragraph is repealed. Amendment of section 12.

6. In the said Act the first two paragraphs of section 13 shall be numbered as sub-sections (*1*) and (2), and the following shall be added, namely :— Amendment of section 13.

[Vol. II of this Code.]

7. For section 15 of the said Act the following shall be substituted, namely :— Amendment of section 15.

[Vol. II of this Code.]

8. After section 15 of the said Act the following sections shall be inserted, namely :— Insertion of new sections after section 15.

[Vol. II of this Code.]

9. For section 16 of the said Act the following shall be substituted, namely :— Amendment of section 16.

[Vol. II of this Code.]

10. For the first two paragraphs of section 18 of the said Act, there shall be substituted the following, namely :— Amendment of section 18.

[Vol. II of this Code.]

11. In section 21 of the said Act, the words from " until a schedule " to " directed under this Act " are repealed ; and in the third proviso to the same section, for the words " day aforesaid," the words and figures " 31st March, 1887," and for the words and figures " date notified by the Governor in Council under section 10," the words and figures " 1st April, 1887," shall be substituted. Amendment of section 21.

12. In section 22 of the said Act— Amendment of section 22.

(*a*) in clause (*5*) the words " and whether compassionate allowances shall be paid to the surviving relatives of any of the said officers and servants who are killed in the execution of their duty, and, if so, to which of them " are repealed ;

(*b*) after clause (*6*) there shall be added the following, namely :—

[Vol. II of this Code.]

(*c*) in the proviso after the word and figure " clause (*5*) " there shall be added the words and figure " or clause (*7*)".

13. In section 25 of the said Act the words from " and shall also have power " to the end of the section are repealed. Amendment of section 25.

Amendment of section 27.

14. In the first paragraph of section 27 of the said Act the words " upon and after the date notified by Government under section 10 " are repealed.

Insertion of a new section after section 28.

15. After section 28 of the said Act the following section shall be inserted, namely :—

[Vol. II of this Code.]

Amendment of section 29.

16. (*1*) To clause (*3*) of section 29 of the said Act there shall be added the following, namely :—

[Vol. II of this Code.]

(*2*) In the same section of the said Act between clause (*8*) and the proviso thereto the following shall be inserted, namely :—

[Vol. II of this Code.]

(*3*) In the proviso to the same section of the said Act, the following words are repealed, namely :—

" nor shall any contract be entered into by the Board in respect of any such new work."

Amendment of section 35.

17. In section 35 of the said Act, the following amendments shall be made, namely :—

(*a*) for the words " The Board," where they first occur, the words " An officer appointed by the Board in this behalf " shall be substituted ;

(*b*) for the word " them " the word " him " shall be substituted ;

(*c*) for the words " one hundred " the words " five hundred " shall be substituted ;

(*d*) for the words " thirty-six hours from the service of the Board's notice " the words " twelve hours from the service of such notice as aforesaid " shall be substituted.

Amendment of section 43.

18. In section 43 of the said Act, the last two paragraphs are repealed.

Insertion of two new sections after section 43.

19. After section 43 of the said Act the two following sections shall be inserted, namely :—

[Vol. II of this Code.]

Amendment of section 44.

20. In section 44 of the said Act, (*a*) for the word " Government " the words " the Commissioner " shall be substituted, and (*b*) after the word " leviable " there shall be inserted the following, namely :—

" according to any scale for the time being in force."

Amendment of section 49.

21. In the second paragraph of section 49 of the said Act, the words " and in two local papers " are repealed.

22. After section 53 of the said Act there shall be inserted the following new section, namely :— Insertion of a new section after section 53.

[Vol. II of this Code.]

23. In sub-clause (*b*) of section 55 of the said Act after the words " conduct of pilots " there shall be inserted the following, namely :— Amendment of section 55.

" whether maintained by the Board or not."

24. (*1*) For clause (*3*) of section 61 of the said Act the following clause shall be substituted, namely :— Amendments of section 61— (1) of clause (*3*) ;

[Vol. II of this Code.]

(*2*) After clause (*6*) of section 61 of the said Act the following clause shall be inserted, namely :— (2) Insertion of new clause after clause (*6*) ;

[Vol. II of this Code.]

(*3*) In clause (*7*) of section 61 of the said Act, for the word " Government " the words " the Commissioner " shall be substituted. (3) Amendment of clause (*7*).

25. In section 67 of the said Act— Amendment of section 67.

(*a*) the first paragraph thereof is repealed ; and

(*b*) in the second paragraph thereof, for the words " If any sum exceeding three thousand rupees in amount is so " there shall be substituted the following, namely :—" If any sum exceeding three thousand rupees in amount, not being included in any estimate at the time being in force which has been finally approved by Government, is."

26. In section 69 of the said Act, for the third paragraph thereof there shall be substituted the following, namely :— Amendment of section 69.

[Vol. II of this Code.]

27. After section 69 of the said Act the following sections shall be inserted, namely :— Insertion of new sections after section 69.

[Vol. II of this Code.]

28. For the proviso to section 70 of the said Act there shall be substituted the following, namely :— Amendment of section 70.

[Vol. II of this Code.]

29. In section 74 of the said Act the following amendments shall be made, namely :— Amendment of section 74.

(*a*) before the word " weight ", at each place where it occurs, the word " description " shall be inserted ;

(*b*) before the word " understated ", at each place where it occurs, the words " mis-stated or " shall be inserted.

Amendment of section 76.

30. In the proviso to section 76 of the said Act the following amendments shall be made, namely :—

(*a*) after the words "pilot service" there shall be inserted the words "maintained by the Board under section 55"; and

(*b*) after the words "Port Officer's department" there shall be inserted the following, namely :—

"and if such damage or mischief is in any way attributable to the order, act or improper omission of such officer."

Addition of new Schedules D and E.

31. To the said Act the following Schedules shall be added, namely :—

SCHEDULES D & E.

[Vol. II of this Code.]

BOMBAY ACT No. III OF 1902.[1]

[*6th June, 1902.*]

An Act to amend the Bombay District Municipal Act, 1901, and the Bombay Prevention of Adulteration Act, 1899.

WHEREAS it is expedient that certain formal amendments should be made in the [2]Bombay District Municipal Act, 1901, and the Bombay Prevention of Adulteration Act, 1899;

It is enacted as follows :—

Title and commencement.

1. (*1*) This Act may be called the Bombay District Municipal Act (1901) Amendment Act, 1902.

(*2*) It shall come into force at once.

Enactments amended.

2. (*1*) The enactments specified in the Schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

(*2*) The amendments aforesaid shall be deemed to have been made and to have effect from the date of the passing of the [2]Bombay District Municipal Act, 1901.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1902, Pt. VII, p. 57, and for Proceedings in Council, *see ibid*, 1902, Pt. VII, p. 196.

[2] *Supra.*

SCHEDULE.

(See section 2.)

Year.	Number.	Short Title.	Amendment.
1	2	3	4
1901	III	[1]The Bombay District Municipal Act.	In section 3, sub-section (*4*), *for the word* Act *read* Acts. In section 15, sub-clause (*vii*) of the proviso to sub-section (*1*), *for the word and figures* section 73 *read* section 71. In section 15, sub-section (2), clause (*c*), *for the words* any meeting *read* at least one meeting ; *and add at the end the words* or having obtained such leave fails within one fortnight of the expiration thereof either to return or to obtain an extension of leave. In section 28, *for the word and figures* section 59 *read* section 58. In section 40, sub-section (*1*), *for the word* restrictions *read* restriction. In section 56, clause (*c*), *for the word and figures* clause 54 *read* section 54. In section 59, clause (*a*), *for the word and figures* section 61 *read* section 60. In section 62, proviso (*a*) (*i*), *for the words* in the official year in which such notice is published *read* in any year. In section 74, clause (*c*) of the proviso, *for the word* sub-section *read* section. In section 85, clause (*b*) *after the word* made *insert* under sub-section (*4*) of section 83 ; in clause (*c*) *for the words* this section *read* the said sub-section ; *and for the word and figures* section 84 *where they occur at the end read* section 83. In section 87, *for the words* the Secretary of State for India in Council *read* His Majesty. In section 126 *delete the figure* (*1*) ; *and* in the second proviso, *for the word* sub-section *read* section.

[1] *Supra.*

SCHEDULE—*continued.*

Year.	Number.	Short Title.	Amendment.
1	2	3	4
1901	III	[1] The Bombay District Municipal Act.	In section 142, sub-section (*2*), *after the word* Notification *insert* issued ; *and after the words and figures* Adulteration Act, 1899, *insert* as if the sub-section were part of section 5 of that Act. In section 148, sub-section (*3*), *for the word* sub-section *read* section. In section 151, sub-section (*4*), *for the word* and *in the first third and fourth places where it occurs read* or. In section 154, sub-section (*2*), clauses (*b*) and (*c*), *for the word* bill *in the two places where it occurs read* notice. In section 156, proviso (*b*) to sub-section (*1*), *for the word and figure* sub-section (*1*) *read* sub-section (*2*). In section 160, sub-section (*1*), *for the words* to receive compensation *read* to or from whom such compensation, damages, costs or expenses may be payable or recoverable. In section 166, *after the words* vested in *insert* or otherwise held by. In section 183, clause (*d*) (*ii*), *for the word and figure* sub-section (*1*) *read* sub-section (*2*). In schedule A, *for the words and figures* clause (*b*) of sub-section (*3*) of section 60 *in the two places where they occur read* clause (*b*) of section 60 ; *and for the words* a fortnight *read* one month. In schedule D, *after the word and figures* section 83 *in the heading insert* and sub-section (*1*) of section 79.
1899	II	[2] The Bombay Prevention of Adulteration Act.	In section 2, *for the words and figures* Bombay District Municipal Acts, 1873 and 1884, *read* Bombay District Municipal Act, 1901. In section 4, sub-section (*1*), *for the words and figures* section 68 of the Bombay District Municipal Act, 1873, *read* section 142 of the Bombay District Municipal Act, 1901. In section 5, sub-section (*3*), *for the figure* (3) *read* (2) *and delete the letter* (a) *and the word* and. In section 6 *delete the figure* (1) *where it first occurs.*

[1] *Supra.*

[2] *Supra.*

THE CITY OF BOMBAY POLICE ACT, 1902.

CONTENTS.

PREAMBLE.

CHAPTER I.—PRELIMINARY.

Sections.

1. Short title.
   Local extent.
2. Repeal of enactments.
   Saving of appointments, etc.
3. Definitions.

CHAPTER II.—OF THE POLICE FORCE, AND ADDITIONAL AND SPECIAL POLICE.

4. Constitution of Police Force.
5. Appointment and removal of Commissioner of Police.
6. Appointment of Deputies and Assistants to the Commissioner of Police.
   Powers of Deputy and Assistant Commissioners and Superintendents.
7. Power to appoint and promote.
   Power to dismiss, discharge, reduce, suspend, fine and confine in a police station.
   Saving clause.
8. Certificates to be given to Police officers appointed by the Commissioner of Police.
   Effect of suspension of Police officer.
9. Power to appoint additional Police officers.
   Notice to be given for discontinuance.
   Payments to be accounted for.
   Disputes as to payment of cost.
10. Appointment of special Police officers.
    Refusal to serve or perform duties.
11. Constitution of divisions and sections.
    Officers in charge of divisions and sections.
12. Power of Commissioner of Police to issue orders as to organization, etc.
13. Power of Commissioner of Police to make rules regulating duties of Police officers, etc.
14. No Police officer to resign or withdraw without permission or previous notice.
    Saving in case of disease, etc.
15. Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer.
    Warrant for seizure of same.
    Exception in case of private property.

Sections.

16. Police officer to be deemed always on duty.
17. Police officer prohibited from other employment.
18. Offences by Police officers.
19. Vexatious entry, search, arrest, etc., by Police officers.
20. False statement to obtain employment.
21. Saving in regard to District and Railway Police.

CHAPTER III.—POLICE REGULATIONS.

Rules for Preservation of order.

22. Power to make rules for regulation of traffic and for preservation of order in public places, etc.
Saving of provisions of Bombay Abkári Act and other enactments.
Saving in regard to licensing places of public entertainment.
Provisions as to publication of rules.
Power of Commissioner of Police to prohibit keeping of place of public amusement or entertainment.

Special Orders.

23. Powers of Commissioner of Police and of other officers to give directions to the public.
Power to give prohibitions for prevention of disorder.
Power to prohibit assembly or procession.
Power to reserve street or public place for public purpose.
24. Issue of orders by Commissioner of Police for prevention of riot, etc.
Compensation to lawful occupier of building or place closed or taken possession of by Commissioner of Police.
Disputes as to compensation to be settled by Chief Presidency Magistrate.
25. Issue of orders for maintenance of order at religious ceremonials, etc.
Orders to be subject to decrees, etc., of Courts.
26. Police to prevent disorder at places of public amusement, etc.
Police to have free access thereto.
27. Dispersal of gangs and bodies of persons.
Removal of convicted beggars.
Procedure on failure to remove.
28. Power to segregate prostitutes and keepers of brothels.
29. Destruction of stray dogs.
Provisions as to muzzling or seizure of dogs.
Saving as to dogs wearing collars.
Destruction or sale of dogs.
Proceeds of sale how disposed of.
Recovery of expenses.

CHAPTER IV.—EXECUTIVE POWERS AND DUTIES OF POLICE.

Duties of Police Officers.

Sections.

30. Arrest to prevent cognizable offences.
31. Prevention of injury to public property.
32. Duties of a Police officer.
Persons bound to conform to reasonable orders of Police.
Police officers may restrain or remove contumacious person.

Powers of Police Officers to arrest without warrant.

33. When Police may arrest without warrant.
34. Refusal to give name and residence.
Release on bond.
Person arrested to be forwarded to Magistrate.
35. Other powers of arrest.
36. Arrest of vagabonds, habitual robbers, etc.
37. Powers to seize property suspected to be stolen.
Orders of Commissioner of Police to be taken.
38. Enforcement of orders issued under section 23, 24 or 25.
39. Deputation of a subordinate to arrest without warrant.

Unlawful Assemblies.

40. Assembly to disperse on command of Magistrate or Police officer.
Use of civil force to disperse.
41. Requisition of military or naval aid.
42. Duty of officer commanding military or naval force required to disperse assembly.
43. Power of commissioned military or naval officers to disperse assembly.
44. Protection against prosecution for acts done under section 40, 41, 42 or 43.
45. Compensation for injury caused by an unlawful assembly how recoverable.
Exemption from liability to pay compensation.
Conditions under which compensation claimable.
Civil suit barred.
46. Recovery by Municipal Commissioner.
Apportionment of responsibility.

Unclaimed Property.

47. Police to take charge of unclaimed property.
48. Intestate property under two hundred rupees in value.
Proclamation to be issued by Commissioner of Police.
Power to sell perishable property at once.
49. Delivery of property to person entitled.
Power to take security.
In default of claim to be at disposal of Government.
50. Procedure not affected by Indian Succession Act or Administrator General's Act.

Public Pounds.

Sections.

51. Power to establish cattle-pounds and appoint pound-keepers.
52. Impounding of cattle.
53. Delivery of cattle claimed.
Sale of cattle not claimed.
Fees and expenses.

Weights and Measures.

54. Powers as to inspection, search and seizure of false weights and measures.

Powers of Superior Officers.

55. Superior officer may himself perform duties imposed on his inferior, etc.

Magisterial powers of Commissioner and Deputy Commissioner.

56. Powers as a Magistrate of Commissioner and Deputy Commissioner of Police.

CHAPTER V.—INFORMATION TO POLICE AND POWER TO INVESTIGATE.

57. Information if it relates to a cognizable offence to be recorded.
58. Information in non-cognizable cases.
Investigation of non-cognizable cases.
Powers in investigating such cases.
59. Investigation in cognizable cases.
Proceedings not to be called in question.
60. Procedure where cognizable offence suspected.
61. Police officer's power to require attendance of witnesses.
62. Special powers of Commissioner of Police to require attendance and obtain statements of witnesses.
63. Statements to police not to be signed or admitted in evidence.
64. No inducement to be offered.
65. Summons to produce document or other thing.
66. Search by Police officer.
67. Official records and communications, etc., protected.
68. When Police officer may require another to make search.
69. Power to search for persons wrongfully confined.
70. Procedure when investigation cannot be completed.
Order for detention in custody.
71. Report of investigation by subordinate Police officer.
72. Investigation to be promptly completed and report to be prepared and submitted.
73. Release of accused when evidence deficient.
Further investigation may be ordered.
Order for discharge of bond when made.
74. Case to be sent to Magistrate when evidence sufficient.

Sections.

75. Bond to secure attendance of complainant and witnesses.
To be sent to Magistrate.
76. Complainant and witnesses not to be required to accompany Police officer.

CHAPTER VI.—PROCEDURE.

Arrest.

77. Arrest how made.
Resisting endeavour to arrest.
Limit of right of Police officers to use force.
78. Search of place entered by person sought to be arrested.
Procedure when ingress not obtainable.
Breaking open zenana.
79. Power to break open doors and windows for purposes of liberation.
80. No unnecessary restraint.
81. Search of arrested persons.
Mode of searching women.
82. Power to seize offensive weapons.
83. Arrest by private persons and procedure thereon.
84. Procedure after arrest.
85. Person arrested when to be discharged, etc.
86. Person arrested to be taken before Magistrate.
87. Limit to power of detention.
Holidays and time when Court is closed to be excluded.
88. Discharge of person arrested.

Summons.

89. Summons how served.
Signature of receipt for summons.
Service of summons on Company.
90. Service when person summoned cannot be found.
91. Procedure when receipt cannot be obtained.

Warrant.

92. Continuance of warrant of arrest.
Security to be taken if directed in warrant.
93. Direction, etc., of warrants.
Execution of warrant by officer whose name is endorsed.
94. Notification of substance of warrant.
95. Person arrested to be brought before Court without delay.
96. Warrant forwarded from Court outside Bombay.
97. Warrant directed to Police officer by Court outside Bombay.
To be endorsed by Inspector, etc.
Unless delay will prevent execution.

Sections.

98. Procedure on arrest on such warrants.
99. Procedure of Magistrate or Commissioner of Police.
When bail to be taken.

Search Warrants.

100. Execution of search warrant.
101. Disposal of things found on search warrant issued by Court outside Bombay.
102. Procedure as in case of warrants.
103. Person in charge of closed place to allow search.
Ingress how to be obtained.
Search for articles concealed on person.
Copy of list to be given to person searched.
104. Search to be made in presence of witnesses.
List of things seized to be made.
Occupant to be present, and to have copy of list if required.
105. Documents, etc., may be retained in safe custody.

Bail.

106. Bail to be taken in case of bailable offence.
107. When bail may be taken in case of non-bailable offence.
108. Bond of accused and his sureties.
109. Discharge from custody.
Liability to be detained for other offence.
110. Amount of bail not to be excessive.
110A. Procedure on forfeiture of bond.

CHAPTER VII.—Offences and Punishments.

111. Wilful trespass.
111A. False alarm of fire or damage to fire-alarm.
112. Being found under suspicious circumstances between sunset and sunrise.
113. Carrying weapon without authority.
114. Possession of property of which no satisfactory account can be given.
115. Taking spirits into public hospitals;
or into barracks or on board vessels of war.
116. Omission by pawn-brokers, etc., to report to Police possession or tender of property suspected to be stolen.
Melting, etc., of such property.
117. Taking pledge from child.
118. Cleaning furniture or animal.
Repairing vehicles.
Taking animal or vehicle on foot-path.
Training and breaking horses.
Setting a dog to attack persons or animals.
Letting horses loose, and suffering ferocious dogs to be at large, etc.

Sections.

Obstruction, damage, etc., by animals.
Obstructing bathing.
Frightening persons, horses, etc., by flying a kite.
119. Lighting bon-fire, burning straw, discharging firearm, etc., in or near street or public place.
120. Soliciting for purposes of prostitution and indecent exposure of person.
121. Begging and exposure of offensive ailments.
122. Drunkenness or riotous or disorderly behaviour in street, etc.
Provoking breach of the peace.
123. Disorderly conduct in Court and Police offices.
123A. Disregard of notice in public building.
124. Committing nuisance in or near street, etc.
125. Permission of disorderly conduct in places of public amusement, etc.
126. Cheating at games.
126A. Unlawful detention for purpose of prostitution; presumption to be drawn; bar of legal proceedings in certain cases.
127. Contravention of rules and orders.
128. Unauthorized return after removal from Bombay.
129. Prostitute, etc., not complying with notice.
130. Prosecution for certain offences to be discretionary.
131. Prosecution for offences under other enactments.

CHAPTER VIII.—MISCELLANEOUS.

132. Disposal of fees, rewards, etc.
133. Method of proving orders and notifications.
134. Rules and orders not invalidated by defect of form or irregularity in procedure.
135. Application by person interested to annul, etc., rule or order.
When suit will lie to declare order unlawful.
136. Licenses and written permissions to specify conditions, etc., and to be signed.
Revocation of licenses, etc.
When license revoked, etc., grantee to be deemed without license.
Grantee to produce license, etc., when required.
137. Public notices how to be given.
138. Consent, etc., of Commissioner of Police may be proved by writing under his signature.
139. Signature on notices, etc., may be stamped.
140. Magistrate or Police officer not liable to penalty or damages for act done in good faith in discharge of duty.
Nor public servants, etc., for giving effect in good faith to rule, etc., issued with apparent authority.
Prosecutions or suits for acts done under colour of duty barred after three months.
Suits in certain cases to be dismissed.
SCHEDULE A.—Enactments repealed.
SCHEDULE B.—Certificate to be received by Police officers appointed by the Commissioner of Police.

BOMBAY ACT No. IV OF 1902.[1]

[*9th July, 1902*]

An Act to amend the law relating to the Bombay City Police.

Preamble. WHEREAS it is expedient to amend and consolidate the law relating to the Police in the City of Bombay;

AND WHEREAS the previous sanction of His Excellency the Governor General, required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act; 55 and 56 Vict., c. 14.

It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. **1.** (*1*) This Act may be cited as the City of Bombay Police Act, 1902.

Local extent. (*2*) Sections 27, [3][28,] 62, 68, 97, 99, 101, [4][102, 110A and sub-section (*3*) of section 126A] extend to the whole of the Presidency of Bombay.

(*3*) The rest of the Act extends only to the City of Bombay.

Repeal of enactments. **2.** (*1*) The enactments mentioned in Schedule A are repealed to the extent specified in the fourth column of the said Schedule.

(*2*) All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding provisions of this Act.

Saving of appointments, etc. (*3*) All rules prescribed, appointments made, powers conferred and orders and certificates issued under any enactment hereby repealed shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued thereunder.

Definitions. **3.** In this Act, unless there is something repugnant in the subject or context,—

(*a*) the phrases "complaint," "investigation," "offence," "cognizable offence," "non-cognizable offence," "bailable offence" and "non-bailable offence" shall respectively have the meanings assigned thereto by the [5] Code of Criminal Procedure; V of 1898.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1902, Pt. VII, p. 49: for Report of Select Committee, *see ibid*, 1902, Pt. VII, p. 58, and for Proceedings in Council, *see ibid*, 1902, Pt. VII, pp. 157, 197 and 275.

[2] *See* now the Government of India Act, 1915 (5 and 6 Geo. 5, c. 61).

[3] These figures were inserted by s. 2 (*a*) of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

[4] These words and figures were substituted for the word and figures "and 102" by s. 2 (*b*), *ibid*.

[5] General Acts, Vol. V.

(*b*) " Police officer " shall mean any member of the Police force for the City of Bombay appointed under this Act, and shall include the Commissioner of Police, a Deputy or Assistant Commissioner of Police, and subject to the provisions of sub-section (*2*) of sections 9 and 10, an additional or special Police officer ;

(*c*) " officer in charge of a section " shall include, when the Inspector in charge of the section is absent or unable from illness or other cause to perform his duties, the next senior Police officer in the section, or such other officer as the Superintendent of the Division may, subject to the sanction of the Commissioner of Police, appoint in that behalf ;

(*d*) [1] " cattle " shall, besides horned cattle, include elephants, camels horses, mares, geldings, ponies, colts, fillies, asses, mules, sheep lambs, rams, ewes, goats, kids and swine ;

(*e*) " prescribed " shall mean prescribed by any rules made under this Act ;

(*f*) " sign " shall, with reference to a person who is unable to writ, his name, include " mark " ;

(*g*) " place of public amusement " shall mean any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted [2]* * * * and shall include a race-course, circus, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school ;

(*h*) " place of public entertainment " shall mean any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ;

and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang, or opium shop ;

---

[1] *Cf.* definition in the Cattle Trespass Act, 1871 (1 of 1871), General Acts, Vol. II.

[2] The words " otherwise than for a *bonâ fide* charitable purpose ;" were repealed by s. 2 of the City of Bombay Police (Amendment) Act, 1917 (Bom. Act 2 of 1917), Vol. V of this Code.

(*e*) "street" shall mean any road, footway, square, court, alley or passage, whether a thoroughfare or not, to which the public have permanently or temporarily a right of access;

(*f*) "public place" shall include the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing, or for purposes of recreation;

(*h*) "vehicle" shall mean any carriage, cart, van, dray, truck, hand-cart or other wheeled conveyance of any description capable of being used on the streets of the City; and shall include a bicycle, tricycle or automotor car.

CHAPTER II.

OF THE POLICE FORCE, AND ADDITIONAL AND SPECIAL POLICE.

Constitution of Police Force.

4. For the City of Bombay there shall be a Police force, the strength and constitution of which shall be as may [1]* * * * from time to time be ordered by the Governor in Council.

Appointment and removal of Commissioner of Police.

5. The direction and supervision of the said Police force shall, subject to the control of the Governor in Council, be vested in an officer to be styled the Commissioner of Police for the City of Bombay, who shall from time to time be appointed by the Governor in Council and may be removed by the same authority.

Appointment of Deputies and Assistants to the Commissioner of Police. Powers of Deputy and Assistant Commissioners and Superintendents.

6. (*1*) The Governor in Council may from time to time appoint one or more Deputy Commissioners of Police and one or more Assistants to the Commissioner of Police. Any Deputy or Assistant Commissioner so appointed may be at any time removed by order of the Governor in Council.

(*2*) Every such Deputy Commissioner shall be competent to exercise and perform, under the orders of the Commissioner of Police, any of the powers conferred upon and duties assigned to the Commissioner of Police by or under this Act or any other enactment: and every such Assistant Commissioner [2][and a Superintendent appointed under section 7 (*1*)] shall exercise such powers and perform such duties as may from time to time be delegated or assigned to him by the Commissioner of Police:

Provided that the powers conferred upon the Commissioner of Police by sections 22 and 56 shall not be exercisable by a Deputy or Assistant Commissioner [2][or Superintendent] under this sub-section.

---

[1] The words "with the sanction of the Government of India" were repealed by s. 3 and Sch. II, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[2] These words were inserted by s. 2 of the City of Bombay Police (Second Amendment) Act, 1920 (Bom. Act 18 of 1920), Vol. V of this Code.

7. [1][(*1*) The appointment and promotion of Inspectors, Sub-Inspectors and all other members of the Police force, except Deputy or Assistant Commissioners and Superintendents, shall rest with the Commissioner of Police. The appointment of Superintendents shall rest with the Governor in Council.] Power to appoint and promote.

(*2*) The Commissioner of Police may, subject to such rules and in accordance with such procedure as the Governor in Council may from time to time prescribe in this behalf, at any time— Power to dismiss, discharge, reduce, suspend, fine and confine in a police station.

(*a*) dismiss, discharge, reduce, suspend, or to the extent of half a month's pay fine, any member of the Police force [2][other than a Deputy or Assistant Commissioner] for neglect or violation of duty, or for any breach of any rules or orders issued by him under this Act, or for gross misconduct while on leave; or

(*b*) punish by confinement in a police station for a period not exceeding three days any member of the Police force below the rank of Havaldar who is in his presence grossly insubordinate or insolent:

Provided that any punishment, other than suspension, inflicted on a Superintendent of Police shall be subject to the confirmation of the Governor in Council.

(*3*) Nothing in sub-section (*2*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged. Saving clause.

8. (*1*) Every Police officer appointed by the Commissioner of Police shall, on appointment, receive a certificate in the form of Schedule B under the signature of the Commissioner of Police and shall, in virtue of such certificate, be vested with the powers, functions, privileges and responsibilities of a Police officer. Certificates to be given to Police officers appointed by the Commissioner of Police.

(*2*) Every certificate shall become null and void whenever the person named therein ceases, for any reason, to belong to the Police force.

(*3*) The powers, functions and privileges vested in a Police officer shall be temporarily suspended whilst such Police officer is suspended from office. Such Police officer shall not, by reason of such suspension, cease to be a Police officer, but shall continue subject to the same responsibilities and disabilities, Effect of suspension of Police officer.

[1] This sub-section was substituted by s. 3 (*a*) of the City of Bombay Police (Amendment) Act, 1917 (Bom. Act 2 of 1917), Vol. V of this Code.

[2] These words were substituted for the words "appointed by him" by s. 3 (*b*), *ibid.*

and subject to the same authorities, as if no such suspension had taken place.

Power to appoint additional Police officers.

9. (*1*) The Commissioner of Police may in his discretion appoint, for such time and on such pay, and of such rank or grade, as he shall think fit, additional Police officers to keep the peace or preserve order at any place, or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,—

(*a*) on the application of any person, at the charge of such person, or

(*b*) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on.

(*2*) Every additional Police officer so appointed shall, on appointment,—

(*a*) receive a certificate in the prescribed form;

(*b*) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate; and

(*c*) be subject to the orders of the Commissioner of Police.

Notice to be given for discontinuance.

(*3*) In any case in which such Police officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the Commissioner of Police of such notice or on the expiry of such shorter period as the Commissioner of Police may fix, the appointment of such Police officers shall cease.

Payments to be accounted for.

(*4*) All moneys received by the Commissioner of Police for the payment of any such additional Police officers shall be accounted for by him.

Disputes as to payment of cost.

(*5*) In the event of any dispute in any case under this section the decision of the Chief Presidency Magistrate shall be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Commissioner of Police, be recovered by the Collector from such person as an arrear of land revenue.

Appointment of special Police officers.

10. (*1*) The Commissioner of Police, of his own authority, may at any time appoint any able-bodied male person between the ages of 18 and 55 to be a special Police officer to assist the Police force on any occasion when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace and he is of opinion that the ordinary Police force is not sufficient for the protection of the inhabitants and for the security of property.

(*2*) Every special Police officer so appointed shall, on appointment,—

(*a*) receive a certificate in the prescribed form;

(*b*) have the same powers, privileges and protection as a Police officer;

(*c*) perform all such duties as may be assigned to him by the Commissioner of Police ; and

(*d*) be subject to the orders of the Commissioner of Police.

Refusal to serve or perform duties.

(*3*) Any person who having been appointed a special Police officer under this section shall, without sufficient excuse, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Constitution of divisions and sections.

11. (*1*) Subject to the control of the Governor in Council, the Commissioner of Police shall—

(*a*) constitute within the City of Bombay such and so many Police divisions,

(*b*) sub-divide the same into so many and such sections, as to him shall seem fit, and

(*c*) define the limits and extent of such divisions and sections.

Officers in charge of divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each such section shall be in charge of an Inspector of Police.

Power of Commissioner of Police to issue orders as to organization, etc.

12. Subject to the control of the Governor in Council, the Commissioner of Police may issue such orders as he may deem expedient—

(*a*) relating to the recruitment, organization, instruction, classification, discipline and general government of the force ;

(*b*) determining the description and quantity of the arms, accoutrements and other necessaries to be furnished to the Police ; and

(*c*) providing for the institution, management, and regulation of any Police fund.

Power of Commissioner of Police to make rules regulating duties of Police officers, etc.

13. (*1*) Subject to the control of the Governor in Council, the Commissioner of Police may make rules not inconsistent with this Act, or with any other enactment for the time being in force,—

(*a*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(*b*) prescribing the places of residence and the location of members of the force ;

(*c*) regulating or restricting the collection and communication of intelligence and information ; and

(*d*) prescribing the forms of certificates to be received by additional Police officers and special Police officers.

(*2*) A copy of the rules for the time being in force under this section shall be kept in every Police station.

No Police officer to resign or withdraw without permission or previous notice.

14. (*1*) No Police officer shall resign his office or withdraw himself from the duties thereof without the written permission of the Commissioner of Police and, except in the case of a special Police officer, until, save with such permission,—

(*a*) the expiration,—

(*i*) if such member be a member of the mounted Police, of six months, or,

(*ii*) in any other case, of two months,

after written notice of his intention so to do has been received from him by the Commissioner of Police ; and

(*b*) he has fully discharged any debt due by him as a Police officer to Government or to any Police fund.

(*2*) A Police officer, who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, shall be deemed, within the meaning of this section, to withdraw himself from the duties of his office :

Saving in case of disease, etc.

Provided that if any Police officer produces a certificate, signed by the Police Surgeon or by a medical officer holding a gazetted appointment under Government, declaring such Police officer to be unfit by reason of any disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging, or giving security satisfactory to the Commissioner of Police for the payment of, any such debt as aforesaid due from such Police officer.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer.

15. (*1*) Every person appointed under this Act to be a member of the Police force shall, on ceasing to be a member thereof, forthwith deliver up to the Commissioner of Police, or to such person and at such place as he may direct,—

(*a*) his certificate, and

(*b*) all clothing, arms, accoutrements and other necessary articles furnished to him for the execution of his duty.

Warrant for seizure of same.

(*2*) The Commissioner of Police or any Magistrate may issue a warrant to search for and seize, wherever they may be found, any certificate, arms,

accoutrements, clothing or other necessary articles not delivered up as required by sub-section (*1*).

(*3*) Every warrant so issued shall be executed in accordance with the provisions of this Act by a Police officer or, if the authority issuing the same so directs, by any other person.

(*4*) Nothing in this section shall be deemed to apply to any article which under the orders of the Commissioner of Police, has become the property of the person to whom the same was furnished. Exception in case of private property.

16. Every Police officer not on leave or under suspension shall for all the purposes of this Act be deemed to be always on duty throughout the City of Bombay. Police officer to be deemed always on duty.

17. No Police officer other than a special Police officer shall, without the permission of the Governor in Council, either as principal or agent,— Police officer prohibited from other employment.

(*a*) engage in any trade,

(*b*) be in any way concerned in the purchase or sale of any immoveable property within the City of Bombay or of any interest therein, or

(*c*) hold any office or practise any profession or engage in any employment whatever other than his office or duties as such Police officer.

18. Any Police officer who— Offences by Police officers.

(*a*) contravenes any provision of section 17,

(*b*) is guilty of cowardice,

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of section 14,

(*d*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which it is his duty as such Police officer to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

19. Any Police officer who— Vexatious entry, search, arrest, etc., by Police officers.

(*a*) without lawful authority or reasonable cause, enters or searches, or causes to be entered or searched, any building, vessel, tent or place,

(*b*) vexatiously and unnecessarily seizes the property of any person,

(*c*) vexatiously and unnecessarily detains, searches or arrests any person,

(*d*) vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person,

(*e*) offers any unnecessary personal violence to any person in his custody, or

(*f*) holds out any threat or promise not warranted by law to an accused person,

shall for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

False statement to obtain employment.

20. Any person who knowingly makes a false statement or uses a false document for the purpose of obtaining for himself or any other person employment or release from employment as a Police officer, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Saving in regard to District and Railway Police.

21. Subject to the provisions of the [1]Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the Governor in Council, nothing in this Chapter shall be deemed to affect any officers of the District or Railway Police employed within the limits of the City of Bombay on Police functions connected with the administration of any district or railway, as the case may be, and any such Police officer shall in the discharge of such functions be vested with the powers and privileges, and be subject to the liabilities, of a Police officer of the establishment to which he belongs. III of 1888.

CHAPTER III.

POLICE REGULATIONS.

Rules for preservation of order.

Power to make rules for regulation of traffic and for

22. (*1*, [2][In the case of rules under clause (*b*), subject to the control of the Governor in Council, and in other cases] with the previous sanction of

[1] General Acts, Vol. IV.

[2] These words were inserted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

the Governor in Council, the Commissioner of Police may from time to time make, alter or rescind [1]rules not inconsistent with this Act,— preservation of order in public places, etc.

(*a*) for licensing and controlling persons offering themselves for employment at quays, wharves and landing-places, and outside Railway stations, for the carriage of passengers' baggage, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and public places, and regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*e*) prescribing, subject to any notice issued by the Municipal Commissioner under clause (*e*) of section 441 of the [2]City of Bombay Municipal Act, 1888, the roads along which, and the hours during which, corpses may, or may not, be carried ;

Bom. Act III of 1888.

(*f*) for licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting,—

(*i*) the keeping of places of public amusement or entertainment,

(*ii*) the playing of music in streets and public places,

(*iii*) the illumination of streets and public places and the exteriors of buildings abutting thereon by persons other than Government or Municipal officers duly authorized in that behalf

---

[1] For rules *see* Bombay Local Rules and Orders.

[2] Vol. III of this Code.

(*iv*) the carrying in streets and public places of gunpowder or any other explosive substance, and

(*v*) the blasting of rocks ;

(*g*) regulating the means of entrance and exit at places of public amusement, entertainment and assembly, and providing for the maintenance of public safety and the prevention of disturbance therein ; and

(*h*) prescribing the procedure in accordance with which any license or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such license or permission :

Saving of provisions of Bombay Abkari Act and other enactments.

Provided, *firstly*, that nothing in this section and no license granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a license, permit or pass is required under the [1] Bombay Abkari Act, 1878, or under any other law for the time being in force relating to the Abkari revenue, or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the [2] Arms Act, 1878, or of the [3] Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder : Bom. Act V of 1878. XI of 1878. IV of 1834.

Saving in regard to licensing places of public entertainment.

Provided, *secondly*, that no rule under clause (*f*) shall contain any regulation requiring a license for any place of public entertainment unless spirituous liquor, toddy or any intoxicating drug, as defined in the [1] Bombay Abkari Act, 1878, or opium, as defined in the [2] Opium Act, 1878, is sold in such place, or unless such place is kept open for customers between the hours of nine at night and five in the morning. Bom. Act V of 1878. I of 1878.

Provisions as to publication of rules.

(*2*) The power of making, altering or rescinding rules under sub-section (*1*) shall be subject to the condition of the rules being made, altered or rescinded after previous publication in the manner specified in section 23 of the [4] General Clauses Act, 1897; and every rule made, or alteration or rescission of a rule made, under the said sub-section and sanctioned by the Governor in Council, shall be published in the Bombay Government Gazette and in the manner specified in section 137. X of 1897.

Power of Commissioner of Police to

(*3*) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be

[1] Vol. II of this Code.

[2] General Acts, Vol. II.

[3] General Acts, Vol. III.

[4] General Acts, Vol. IV.

lawful for the Commissioner of Police to refuse a license for, or to prohibit, the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

prohibit keeping of place of public amusement or entertainment.

Special Orders.

23. (*1*) The Commissioner of Police and, subject to the orders of the Commissioner of Police, every Police officer not inferior in rank to an Inspector may, from time to time as occasion may require, but not so as to contravene any rule under the preceding section, give all such orders either orally or in writing as may be necessary to—

Powers of Commissioner of Police and of other officers to give directions to the public.

(*a*) direct the conduct of, and behaviour or action of persons constituting, processions and assemblies in streets;

(*b*) prescribe the routes by which and the times at which any such processions may, or may not, pass;

(*c*) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of public worship, and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(*d*) keep order on and in all streets, quays, wharves, landing-places and all other public places or places of public resort;

(*e*) regulate and control music or singing in any street or public place, and the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place; or

(*f*) prevent, upon complaint made in writing by any person to the Commissioner of Police, the continuance of music or other such sounds as aforesaid in any place, if the Commissioner of Police be satisfied that the same is a nuisance and ought to be summarily stopped either on account of the serious illness of, or because it seriously interferes with the reasonable occupations of, any person resident or lawfully engaged in the neighbourhood:

Provided that in any case where the continuance of music or other sounds as aforesaid is so prevented, it shall be lawful for a Magistrate, upon the complaint of any person aggrieved, and if satisfied that the order complained of is unreasonable under the circumstances, to alter or reverse such order as he deems fit, and the Commissioner of Police shall give effect to any such alteration or reversal.

Power to give prohibitions for prevention of disorder.

(2) The Commissioner of Police may also, whenever and for such time as he shall consider necessary for the preservation of the public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit—

(*a*) the carrying of swords, spears, bludgeons, guns, or other offensive weapons, in any public place;

(*b*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles;

(*c*) the exhibition of persons or of corpses, or figures or effigies, in any public place;

(*d*) the public utterance of cries, singing of songs, playing of music; and

(*e*) the delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards, or of any other object or thing, which may be of a nature to outrage morality or decency, or which, in the opinion of the Commissioner of Police, may probably inflame religious animosity or hostility between different classes, or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

Power to prohibit assembly or procession.

(3. The Commissioner of Police may also by order in writing prohibit any assembly or procession whenever and for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety:

Provided that no such prohibition shall remain in force for more than seven days without the sanction of the Governor in Council.

Power to reserve street or public place for public purpose

(4) The Commissioner of Police may also, [1] * * * by public notice, temporarily reserve for any public purpose any street or public place, and prohibit persons from entering the area so reserved, save under such conditions as may be prescribed by the Commissioner of Police.

Issue of orders by Commissioner of Police for prevention of riot, etc.

24. (1) In order to prevent or suppress any riot or grave disturbance of the peace, the Commissioner of Police may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in

---

[1] The words "subject to the orders of the Governor in Council" were repealed by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

accordance with such orders as the Commissioner of Police may make and notify in the exercise of the authority hereby vested in him.

Compensation to lawful occupier of building or place closed or taken possession of by Commissioner of Police.

(2) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action of the Commissioner of Police under this section, he shall be entitled, on application made to the Commissioner within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of the Commissioner of Police rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled by Chief Presidency Magistrate.

(3) In the event of any dispute in any case under sub-section (2) the decision of the Chief Presidency Magistrate shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

25. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to the Commissioner of Police that a dispute or contention exists which is likely to lead to grave disturbance of the peace, the Commissioner of Police may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the section or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(2) Any order under sub-section (1) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Commissioner of Police that it is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to prevent disorder at places of public amusement, etc.

26. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, the Police officer of highest rank, superior to that of Havaldar, present [1] [at] such place of public amusement [2]* *

[1] This word was substituted for the words "in the section in which" by s. 2 (*a*) of the Bombay District and City Police (Amendment) Act, 1913 (Bom. Act 5 of 1913), Vol. V of this Code.

[2] The words "is situate" were repealed by s. 2 (*b*), *ibid.*

or such assembly or meeting [1] * * * may, subject to such rules and orders as may have been lawfully made, give such reasonable directions, as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of persons attending [2] [and the maintenance of the public safety] at, such place or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of public amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Dispersal of gangs and bodies of persons.

27. (*1*) Whenever it shall appear to the Commissioner of Police that the movements or encampment of any gang or body of persons in the City of Bombay are or is causing or calculated to cause danger or alarm, or a reasonable suspicion that unlawful designs are entertained by such gang or body or by any member or members thereof, or that an outbreak of epidemic disease is likely to result from the continued residence in the city of large numbers of pauper immigrants, the Commissioner of Police [3] * * * may, by beat of drum or otherwise as he thinks fit, direct the members of such gang or body or such immigrants, so to conduct themselves as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to disperse and remove themselves to such place or places, by such route or routes, and within such time, as the Commissioner of Police shall prescribe.

Removal of convicted beggars.

(*2*) It shall also be competent to the Commissioner of Police to direct the removal in like manner of any person who has been twice convicted of an offence under section 121.

Procedure on failure to remove.

(*3*) If any person so directed under sub-section (*1*) or (*2*) fails or refuses to remove himself outside the City of Bombay within the time specified, the Commissioner of Police may cause such person to be arrested and removed in Police custody to such place outside the City of Bombay as he may in each case direct.

Power to segregate prostitutes and keepers of brothels.

[4] [**28.** (*1*)] The Commissioner of Police may at any time cause a notice to be served upon any person who occupies or manages, or acts or assists in the management of, or upon any woman who resides in, uses or frequents, any house, room or place [5] [in the City of Bombay] in which the business of a

---

[1] The words "is to be held" were repealed by s. 2 (*b*) of the Bombay District and City Police (Amendment Act, 1913 (Bom. Act 5 of 1913), Vol. V of this Code.

[2] These words were inserted by s. 2 (*c*), *ibid.*

[3] The words "with the sanction of the Governor in Council" were repealed by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 2 of 1915), Vol. V of this Code.

[4] Section 28 was renumbered as s. 28 (*1*) by s. 3 (*1*) of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

[5] These words were inserted by s. 3 (*2*), *ibid.*

common prostitute is carried on, requiring such person or woman after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, use or frequent any street or place specified in the notice [1] [or directing such person or woman after a date to be mentioned and fixed as aforesaid to remove himself or herself to such place, whether within or without the City of Bombay, by such route or routes and within such time as the Commissioner of Police shall prescribe].

[2] [(*2*) If any person or woman so directed under sub-section (*1*) fails or refuses to remove himself or herself as directed within the time specified, the Commissioner of Police may cause such person or woman to be arrested and removed in Police custody to the place prescribed.]

[2] [(*3*) No direction under the second alternative in sub-section (*1*) shall be made without the previous sanction of the Governor in Council.]

Destruction of stray dogs.

29. (*1*) The Commissioner of Police may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice, wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

Provisions as to muzzling or seizure of dogs.

(*2*) The Commissioner of Police may by public notice require that every dog, while in the streets or in any public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without a muzzle in any place beyond the premises of the owner thereof:

Saving as to dogs wearing collars.

Provided that any dog so found, wearing a collar on which an apparently genuine name or address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

Destruction or sale of dogs.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the Commissioner of Police.

Proceeds of sale how disposed of.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection

[1] These words were added by s. 3 (*2*) of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

[2] These sub-sections were added by s. 3 (*3*), *ibid.*

with its detention, and the balance, if any, shall be at the disposal of Government.

Recovery of expenses.

(5) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (4), be recoverable from the owner thereof upon a warrant issued by the Commissioner of Police, as if it were a warrant under section 386 of the [1] Code of Criminal Procedure. V of 1898.

CHAPTER IV.

EXECUTIVE POWERS AND DUTIES OF POLICE.

Duties of Police Officers.

Arrest to prevent cognizable offences.

30. A Police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

31. A Police officer may, of his own authority, interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Duties of a Police officer.

32. (1) It shall be the duty of every Police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(b) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable, offences;

(c) to prevent to the best of his ability the commission of public nuisances;

(d) to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force ;

(*g*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*h*) to take prompt measures to procure necessary help for any person under arrest or in custody who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition ;

(*i*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*j*) in conducting searches to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*k*) in dealing with women and children to act with strict regard to decency and with reasonable gentleness ;

(*l*) to use his best endeavours—

(*i*) to prevent any loss or damage by fire, and

(*ii*) to avert any accident or danger to the public ;

(*m*) to regulate and control the traffic in the streets, to prevent obstructions therein, and to the best of his ability to prevent the infraction of any rule or order made under this Act or under any other law for the time being in force for observance by the public in or near the streets ;

(*n*) to keep order in the streets, and at and within public bathing, washing and landing places, fairs and all other places of public resort, and in the neighbourhood of places of public worship during the time of public worship ;

(*o*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats, and to the best of his ability to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat ; and

(*p*) to perform all duties imposed on him by the rules for the time being in force under sections 13 and 22 in the manner and subject to the conditions therein prescribed.

Persons bound to conform to reasonable orders of Police.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officers may restrain or remove contumacious person.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid.

Powers of Police Officers to arrest without warrant.

When Police may arrest without warrant.

33. Any Police officer may, without an order from a Magistrate and without a warrant, arrest—

(*a*) any person who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

(*b*) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

(*c*) any person who has been proclaimed as an offender either under the [1]Code of Criminal Procedure or by order of Government; V of 1898

(*d*) any person who is found having in his possession or conveying anything which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such thing;

(*e*) any person who obstructs a Police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

(*f*) any person reasonably suspected of being a deserter from His Majesty's Army or Navy, or of belonging to His Majesty's Royal Indian Marine Service and being illegally absent from that service;

(*g*) any person who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or reasonable suspicion exists, of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is under any law

[1] General Acts, Vol. V.

44 and 45, Vict., c. 69.

relating to extradition or under the [1] Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India ;

(*k*) any released convict committing a breach of any rule made under sub-section (*3*) of section 565 of the [2] Code of Criminal Procedure ;

V of 1898.

(*l*) any person committing in his presence any offence punishable under section 112, 115, clause (*e*), (*g*) or (*i*) of section 118, section 119, 121, 122, 123, clause (*a*) of section 124, section 126, clause (*i*) or (*ii*) of section 127, in respect of a contravention of a rule made under sub-clause (*iv*) or (*v*) of clause (*f*) of sub-section (*1*) of section 22, or of a prohibition given under clause (*a*) or (*b*) of sub-section (*2*) of section 23, or under section 128 of this Act, or section 3, 4, 5 or 6 of the [3] Prevention of Cruelty to Animals Act, 1890 ;

XI of 1890.

[4] [(*j*) any person who has been concerned in an offence punishable under section 111A [5] [or section 126A] or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned.]

Refusal to give name and residence.

34. (*1*) A Police officer may arrest without a warrant any person committing in his presence in any street or public place any other non-cognizable offence punishable under this Act, or under any rule made thereunder, or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses on being required by a Police officer to give his name and address, or gives a name or address which the Police officer has reason to believe false, or

(*iii*) refuses to accompany the Police officer to a station on being required so to do.

Release on bond.

(*2*) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required :

---

[1] Collection of Statutes relating to India, Vol. II.

[2] General Acts, Vol. V.

[3] General Acts, Vol. IV.

[4] Clause (*j*) was added by s. 4 of the City of Bombay Police (Amendment) Act, 1917 (Bom. Act 2 of 1917), Vol. V of this Code.

[5] These words, figures and letter were inserted by s. 4 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

Provided that if such person is not resident in Bombay the bond shall be secured by a surety or sureties resident in Bombay.

Person arrested to be forwarded to Magistrate.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest, or should he fail to execute the bond, or, if so required, to furnish sureties, he shall, subject to the provision of sub-section (2) of section 87, forthwith be forwarded to the Presidency Magistrate having jurisdiction.

Other powers of arrest.

35. (1) Any Police officer empowered in this behalf by the Commissioner of Police may arrest without warrant for any offence specified in section 120.

(2) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 111.

Arrest of vagabonds, habitual robbers, etc.

36. Any officer in charge of a section may, without an order from a Magistrate and without a warrant, arrest or cause to be arrested—

(*a*) any person found within his section taking precautions to conceal his presence within the City of Bombay, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence;

(*b*) any person within his section who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself;

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Powers to seize property suspected to be stolen.

37. (1) It shall be lawful for any Police officer to seize any property or thing which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

Orders of Commissioner of Police to be taken.

(2) Every such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property or thing as he shall think proper.

Enforcement of orders issued under

38. Whenever a notification, order in writing or public notice has been duly issued under sub-section (2), (3), or (4) of section 23, or an order has been made under section 24 or 25, it shall be lawful for any Magistrate or

Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest such person. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, order or notice as aforesaid and the thing seized shall be disposed of according to the order of the Chief Presidency Magistrate. section 23, 24 or 25.

39. When any officer in charge of a section requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to such subordinate officer an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made. Deputation of a subordinate to arrest without warrant.

Unlawful Assemblies.

40. (*1*) Any [1][Magistrate or] officer in charge of a section may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly. Assembly to disperse on command of Magistrate or Police officer.

(*2*) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a section may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier or sailor in His Majesty's Army or Navy, or Royal Indian Marine Service, or a Volunteer enrolled under the [1] Indian Volunteers Act, 1869, and acting as such for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form it, in order to disperse such assembly or that they may be punished according to law. Use of civil force to disperse.

41. If on any emergency the available Police force is not sufficient to disperse an unlawful assembly or to quell a riot or other serious disturbance of the public peace, the Commissioner of Police, or Magistrate of the highest rank who is present, may apply to the officer of highest rank on the spot for military or naval aid for such purpose. Requisition of military or naval aid.

42. (*1*) When the Commissioner of Police or a Magistrate determines to disperse any unlawful assembly by military or naval force, he may require any commissioned or non-commissioned officer in command of any soldiers or sailors in His Majesty's Army or Navy, or Royal Indian Marine Service, or of any Duty of officer commanding military or naval force required to

[1] These words were inserted by s. 2 of the City of Bombay Police (Amendment) Act, 1921 (Bom. Act 5 of 1921), Vol. V of this Code.

[2] *See* now the Auxiliary Force Act, 1920 (49 of 1920).

disperse assembly.

Volunteers enrolled under the [1] Indian Volunteers Act, 1869, to disperse such assembly by military or naval force, as the case may be, and to arrest and confine such persons forming part of it as the Commissioner of Police or Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of commissioned military or naval officers to disperse assembly.

43. When the public security is manifestly endangered by any such assembly, and when neither the Commissioner of Police nor a Magistrate can be communicated with, any commissioned officer of His Majesty's Army or Navy, or Royal Indian Marine Service, may disperse such assembly by military or naval force, as the case may be, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with the Commissioner of Police or a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Commissioner of Police or Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under section 40, 41, 42 or 43.

44. No prosecution against any [2][person] for any act purporting to be done under section 40, 41, 42 or 43 of this Act, or under section 42 of the [3] Code of Criminal Procedure, shall be instituted in any Criminal Court, except with the sanction of the [4] [Governor in Council]; and V of 1898.

(*a*) no Magistrate or Police officer acting thereunder in [5] good faith,

(*b*) no officer acting under section 43 in [5] good faith,

(*c*) no person doing any act in [5] good faith, in compliance with a requisition under section 40 or 42 of this Act, or under section 42 of the [3] Code of Criminal Procedure, and V of 1898.

---

[1] *See* now the Auxiliary Force Act, 1920 (40 of 1920).

[2] The word "person" was substituted for the word "persons" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), *infra*.

[3] General Acts, Vol. V.

[4] These words were substituted for the words "Governor General in Council" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[5] As to definition of "good faith" *see* s. 52 of the Indian Penal Code (Act 45 of 1860), General Acts, Vol. I, and s. 3 (*20*) of the Bombay General Clauses Act, 1904 (Bom. Act I of 1904), *infra*.

(*d*) no inferior officer, or soldier, or sailor, or volunteer, doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

Compensation for injury caused by an unlawful assembly how recoverable.

45. (*1*) [1] * * * The Chief Presidency Magistrate may, after such inquiry as he deems necessary,—

(*a*) determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly; and

(*b*) require the Municipal Commissioner to recover such amount by an addition to the general tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the Chief Presidency Magistrate may, subject to any general or special orders of the Governor in Council in this behalf, direct.

Exemption from liability to pay compensation.

(*2*) It shall be lawful for the [2] * * * Chief Presidency Magistrate, by order, to exempt any persons from liability to pay any portion of such compensation.

Conditions under which compensation claimable.

(*3*) No compensation shall be granted under this section except upon a claim made within one month from the date of the loss, damage, death or grievous hurt as aforesaid, in respect of which such claim is made, and unless the Chief Presidency Magistrate is satisfied that the person claiming compensation, or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

Civil suit barred.

(*4*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Recovery by Municipal Commissioner.

46. (*1*) Every addition to the general tax imposed under the last preceding section shall be recovered by the Municipal Commissioner from the persons liable therefor in the same manner as the general tax due from them.

Apportionment of responsibility.

(*2*) The provisions of sections 147 and 148 of the [3] City of Bombay Municipal Act, 1888, shall apply to any such addition, as if it were part of the general tax levied under the said Act.

Bom. Act III of 1888.

---

[1] The words "With the previous sanction of the Governor in Council" were omitted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] The words "Governor in Council, on the recommendation of the" were omitted by *ibid.*

[3] Volume III of this Code.

Unclaimed Property.

Police to take charge of unclaimed property.

47. (*1*) The Police shall take temporary charge,—

(*a*) of all unclaimed property found by, or made over to, them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or omits to do so.

(*2*) Property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner of Police.

Intestate property under two hundred rupees in value.

48. (*1*) If the said property appears to have been left by a person who has died intestate, and not to be under two hundred rupees in value, the Commissioner of Police shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the [1]Administrator General's Act, 1874, or other law for the time being in force.

Proclamation to be issued by Commissioner of Police.

(*2*) In any other case the Commissioner of Police shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Power to sell perishable property at once.

(*3*) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner of Police, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Delivery of property to person entitled.

49. (*1*) The Commissioner of Police shall, on being satisfied of the title of any claimant to the possession or administration of such property, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(*2*) The Commissioner of Police may, at his discretion, before making any order under sub-section (*1*), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim to be at disposal of Government.

(*3*) If no person establishes his claim to such property within such period, it shall be at the disposal of Government, and the property, or such part thereof

[1] *See* now the Administrator General's Act, 1913 (3 of 1913), General Acts, Vol. VII.

as has not already been sold under sub-section (*3*) of section 48, may be sold by auction under the orders of the Commissioner of Police.

X of 1865.

50. Nothing in the [1] Indian Succession Act, 1865, or in the [2] Administrator General's Act, 1874, shall apply to intestate property which is dealt with by the Commissioner of Police under sub-section (*2*) of section 48. Procedure not affected by Indian Succession Act or Administrator General's Act.

Public Pounds.

51. (*1*) The Commissioner of Police shall from time to time appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds such persons and [3] * * * * on such emoluments as he deems fit. Power to establish cattle-pounds and appoint pound-keepers.

(*2*) Every pound-keeper so appointed shall in the performance of his duties be subject to the direction and control of the Commissioner of Police, and shall be liable to punishment, suspension and dismissal, as if he were a Police officer under this Act.

52. It shall be the duty of every Police officer, and shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in the City. Impounding of cattle.

53. (*1*) If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under sub-section (*4*). Delivery of cattle claimed.

(*2*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under sub-section (*4*), such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner of Police appoints in this behalf, that he was the owner of such animal, and shall in any other case be at the disposal of Government. Sale of cattle not claimed.

(*5*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*2*).

---

[1] General Acts. Vol. I.

[2] *See* now the Administrator General's Act, 1913 (3 of 1913), General Acts, Vol. VII.

[3] The words "subject to the approval of the Governor in Council" were omitted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

Fees and expenses.

(*4*) (*a*) The pound-fee chargeable shall be in the case of—

(*i*) every ram, „ ewe, „ sheep, „ lamb, „ goat or kid, } eight annas,

(*ii*) every other animal, one rupee :

Provided that the Governor in Council may, by notification in the Bombay Government Gazette, from time to time alter the pound-fee to be charged in the case of any animal to an amount not exceeding double the pound-fee chargeable under the foregoing scale.

(*b*) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner of Police.

Weights and Measures.

Powers as to inspection, search and seizure of false weights and measures.

54. (*1*) Any Police officer generally or specially deputed to that duty by the Commissioner of Police may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(*2*) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(*3*) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are provided by the Municipal Commissioner under section 418 of the [1] City of Bombay Municipal Act, 1888, shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section. Bom. Act III of 1888.

Powers of Superior Officers.

Superior officer may himself perform duties imposed on his inferior, etc.

55. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in case of any duty imposed on such subordinate, a superior, when it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority whenever the same shall appear necessary

[1] Volume III of this Code.

or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Magisterial powers of Commissioner and Deputy Commissioner.

Powers as a Magistrate of Commissioner and Deputy Commissioner of Police.

56. (*1*) The Commissioner, by virtue of his office, and any Deputy Commissioner specially empowered in this behalf by the Governor in Council, shall have all the powers of a Presidency Magistrate under sections 94, 96, 97, 98, 105, 523, 524 and 525 of the [1] Code of Criminal Procedure, and section 25 of the [2] Indian Arms Act, 1878.

V of 1898.
XI of 1878.

(*2*) Such powers may be exercised for the purposes of any investigation or other proceeding under this Act or the [1] Code of Criminal Procedure.

V of 1898.

CHAPTER V.

Information to Police and Power to Investigate.

Information if it relates to a cognizable offence to be recorded.

57. The officer in charge of a section on receiving any information relating to the commission within his section of any cognizable offence shall forthwith reduce into writing in manner prescribed the statement made by the informant, and the informant shall sign the statement so reduced into writing which shall be kept and recorded in manner prescribed, and the officer shall forthwith enter or cause to be entered the substance of such statement in a book which shall be kept in the prescribed form.

Information in non-cognizable cases.

58. (*1*) When information is given to an officer in charge of a section of the commission within his section of a non-cognizable offience, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to a Magistrate.

Investigation of non-cognizable cases.

(*2*) No Police officer shall investigate a non-cognizable case without the order of a Presidency Magistrate.

Powers in investigating such cases.

(*3*) Any Police officer receiving such an order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a section may exercise in a cognizable case.

Investigation in cognizable cases.

59. (*1*) Any officer in charge of a section may, without the order of a Magistrate, and shall, if so ordered, investigate any case in respect of a cognizable offence alleged to have been committed within his section.

[1] General Acts, Vol. V.

[2] General Acts, Vol. II.

Proceedings not to be called in question.

(2) No proceeding of a Police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

Procedure where cognizable offence suspected.

60. If, from information received or otherwise, an officer in charge of a section has reason to suspect the commission of an offence which he is empowered under section 59 to investigate, he shall forthwith proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures a may be necessary for the discovery and arrest of the offender :

Provided that, if the information is given against any person by name, and the offence is not of a serious nature, or if it appears to the officer in charge of a section that there is no sufficient ground for entering on an investigation, he need not proceed in person, or depute a subordinate officer, to make an investigation on the spot ; but he shall in every such case record his reasons for not making, or causing to be made, such an investigation.

Police officer's power to require attendance of witnesses.

61. Any Police officer making an investigation under this Act may—

(*a*) by order in writing, require the attendance before himself of any person being within the limits of the City of Bombay, who from the information given or otherwise appears to be acquainted with the facts or circumstances of the case, and such person shall attend if so required ; and

(*b*) examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined, and such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Special powers of Commissioner of Police to require attendance and obtain statements of witnesses.

62. (*1*) If in the course of an investigation the Commissioner of Police has reason to believe that a cognizable offence has been committed, he may by order in writing require the attendance before himself or any officer serving under him who is investigating a cognizable offence, of any person then being within the limits of the City of Bombay or within thirty miles of such limits, who from the information given or otherwise appears to be acquainted with the facts or circumstances of the case, and such person shall attend as so required. The provisions of clause (*b*) of the last preceding section shall apply to the person so attending.

(2) In any case the Commissioner of Police may forward to the Superintendent of Police of the district in which any person from whom any information is required relating to the facts or circumstances of the case under investigation, is believed to be, such questions and such statement as may be necessary for the purpose of obtaining the information desired, and on receipt thereof such Superintendent of Police shall cause such person to be examined orally and his statement to be reduced into writing in the same manner and subject to the same provisions as if an investigation were being made into such offence in such district, and shall forward the statement reduced into writing to the Commissioner of Police.

Statements to Police not to be signed or admitted in evidence.

63. (1) No statement made by any person to a Police officer in the course of an investigation under this Act shall, if taken down in writing, be signed by the person making it nor shall such writing be used as evidence:

Provided that, when any witness is called for the prosecution whose statement has been taken down in writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and may then, if the Court thinks it expedient in the interests of justice, direct that the accused be furnished with a copy thereof; and such statement may be used to impeach the credit of such witness in manner provided by the [1] Indian Evidence Act, 1872.

I of 1872.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the [1] Indian Evidence Act, 1872.

I of 1872.

No inducement to be offered.

64. (1) No Police officer shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in section 24 of the [1] Indian Evidence Act, 1872.

I of 1872.

(2) But no Police officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Act any statement which he may be disposed to make of his own free will.

Summons to produce document or other thing.

65. (1) Whenever an officer in charge of a section considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation under this Chapter, he may issue a summons or written order to any person resident in the City of Bombay in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, at such time and place as may be specified therein.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he

[1] General Acts, Vol. II.

cause such document or thing to be produced instead of attending personally to produce the same.

Search by Police officer.

66. (*1*) Whenever an officer making an investigation under this Chapter considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and

(*a*) there is reason to believe that the person in whose possession or power such document or thing is believed to be, will not voluntarily produce the same on being requested so to do by a Police officer, or in compliance with a summons or written order which has been or might be issued under section 65, or

(*b*) such document or other thing is not known to be in the possession of any person,

such officer may search, or cause search to be made, for the same in any place within the limits of the City of Bombay.

(*2*) Such officer shall, if practicable, conduct the search in person.

(*3*) If he is unable to conduct the search in person and there is no other person competent to make the search, present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made and the place to be searched, and such subordinate officer may thereupon search for such thing in such place.

(*4*) The provisions of sections 103 and 104 shall, so far as may be, apply to a search made under this section.

Official records and communications, etc., protected.

67. Nothing in sections 65 and 66 shall be deemed to apply to, or to authorize the issue of a summons to produce or warrant to search for, documents or communications of the nature specified in sections 123 and 124 of the [1]Indian Evidence Act, 1872, or any letter, post-card, telegram or other document, parcel or thing in the custody of the Postal or Telegraph authorities. I of 1872.

When Police officer may require another to make search.

68. (*1*) An officer in charge of a section may require an officer in charge of another section, and the Commissioner of Police may require an officer in charge of a police station in any part of the Presidency of Bombay beyond the City of Bombay, to cause a search to be made in any place, in any case in which such officer in charge of a section or the Commissioner might cause such search to be made within the City of Bombay.

---

[1] General Acts, Vol. II.

(2) Such officer, on being so required, shall proceed in accordance with the provisions of section 66 of this Act or section 165 of the [1] Code of Criminal Procedure, as the case may be, and shall forward the document or thing found, if any, to the officer at whose request the search was made.

V of 1898.

Power to search for persons wrongfully confined.

69. If the Commissioner of Police has reason to believe that any person is confined [2] [or detained] under such circumstances that the confinement [2] [or detention] amounts to an offence, he may issue a search warrant; and the person to whom such warrant is directed may search for the person indicated in such warrant, in accordance with such directions as may be given therein, and the person, if found, shall be immediately taken before a Presidency Magistrate, who shall make such order as in the circumstances of the case seems proper.

Procedure when investigation cannot be completed.

70. (*1*) Whenever—

(*a*) it appears that any investigation under this Act cannot be completed within the period of twenty-four hours fixed by section 87, and

(*b*) there are grounds for believing that the accusation is well founded,

the officer in charge of a section shall, subject to the provisions of sub-section (*2*) of section 87, forthwith forward the person accused to a Presidency Magistrate, together with a report setting forth the substance of the information received and of the evidence adducible in the case.

Order for detention in custody.

(*2*) The Presidency Magistrate to whom an accused person is forwarded under sub-section (*1*) may, after considering any information reduced into writing as hereinbefore provided, and examining any witnesses that he may consider necessary, from time to time authorize the detention, in such custody as he thinks fit, of the person accused, for a period not exceeding fifteen days at a time, and shall, if he does so, record his reasons for so doing.

Report of investigation by subordinate Police officer.

71. (*1*) When any officer subordinate to an officer in charge of a section has made an investigation under this Act, he shall report either orally or in writing the result of his investigation to the officer in charge of the section.

(*2*) The substance of such report shall be entered in a book which shall be kept, in manner prescribed, by the officer to whom it is made.

Investigation to be promptly completed and report to be prepared and submitted.

72. Every investigation under this Act shall be completed without unnecessary delay, and as soon as it is completed the officer in charge of the section shall prepare a report in the prescribed form setting forth—

(*a*) the names of the parties,

---

[1] General Acts, Vol. V.

[2] These words were inserted by s. 5 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

(*b*) the nature of the information,

(*c*) the names of the persons who appear to be acquainted with the circumstances of the case, and

(*d*) a statement showing whether any person accused in such case has been arrested or has been released on his bond, and, if so, whether with or without sureties.

Release of accused when evidence deficient.

73. (*1*) If it appears to the officer preparing such report that there is not sufficient or reasonable ground of suspicion to justify the forwarding of any person therein mentioned as accused to a Magistrate, such officer shall—

(*a*) if such person is in custody, release him on his executing a bond, with or without sureties as such officer may direct, to appear if and when so required before a Magistrate empowered to take cognizance of the offence, and shall

(*b*) forward the report prepared as aforesaid to the Commissioner of Police together with any weapon or other article which it may be necessary to produce before him.

Further investigation may be ordered.

(*2*) The Commissioner of Police may in any case direct the officer in charge of the case to make further investigation, or may make such further order as he deems fit.

Order for discharge of bond, when made.

(*3*) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Commissioner of Police shall make such order for the discharge of such bond or otherwise as he shall think fit.

Case to be sent to Magistrate when evidence sufficient.

74. If the officer in charge as aforesaid considers that there is sufficient evidence or reasonable ground of suspicion to justify him in so doing, he shall—

(*a*) forward the accused person to the Presidency Magistrate having jurisdiction, or

(*b*) if the offence is bailable and the accused is able to give security, shall take security from the accused for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed, and

(*c*) shall also send to such Magistrate the report prepared under section 72, and any weapon or other article which it may be necessary to produce before him.

Bond to secure attendance of complainant

75. (*1*) The officer in charge as aforesaid shall also require the complainant, if any, and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a

bond to appear before the Magistrate as thereby directed and prosecute or give evidence, as the case may be, in the matter of the charge against the accused. and witnesses.

(2) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send the original to the Magistrate with his report. To be sent to Magistrate.

76. No complainant or witness on his way to the Court of a Magistrate— Complainant and witnesses not to be required to accompany Police officer.

(*a*) shall be required to accompany a Police officer, or

(*b*) shall be subjected to unnecessary restraint or inconvenience, or

(*c*) shall be required to give any security for his appearance other than his own bond:

Provided that if any complainant or witness refuses to attend or to execute a bond as directed in sub-section (*1*) of section 75, the officer in charge of the section may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond or until the hearing of the case is completed.

CHAPTER VI.

PROCEDURE.

Arrest.

77. (*1*) In making an arrest the Police officer or other person making the same shall actually touch or confine the body of the person to be arrested unless there be a submission to the custody by word or action. Arrest how made.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police officer or other person may use all means necessary to effect the arrest. Resisting endeavour to arrest.

(*3*) Nothing in this section gives a right to cause the death of any person who is not accused of an offence punishable with death or with transportation for life. Limit of right of Police officers to use force.

78. (*1*) If any person acting under a warrant of arrest, or any Police officer having authority to arrest, has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place shall, on demand of such person acting as aforesaid, or of such Police officer, allow him free ingress thereto and afford all reasonable facilities for a search therein. Search of place entered by person sought to be arrested.

Procedure when ingress not obtainable.

(2) If ingress to such place cannot be obtained under sub-section (1), it shall be lawful for a person acting under a warrant in any case, and for a Police officer in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape,

(a) to enter such place and search therein, and

(b) in order to effect an entrance into such place to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after duly stating his authority and purpose and demanding admittance he cannot otherwise obtain admittance :

Breaking open zenana.

Provided that if any such place is an apartment in the actual occupancy of a woman not being the person to be arrested) who, according to custom, does not appear in public, such person or Police officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

79. Any Police officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

80. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

81. (1) (a) Whenever a person is arrested by a Police officer,

(i) under a warrant which does not provide for the taking of bail, or

(ii) under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail,

and

(b) whenever a person is arrested

(i) without a warrant, or

(ii) by a private person under a warrant, and cannot be legally admitted to bail or is unable to furnish bail,

the Police officer making the arrest, or when the arrest is made by a private person the Police officer to whom he makes over the person arrested, may search such person and place in safe custody all articles other than necessary wearing apparel found upon him.

Mode of searching women.

(2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman and with strict regard to decency.

Power to seize offensive weapons.

82. Every Police officer or other person making an arrest may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer making the arrest is required to produce the person arrested.

Arrest by private persons and procedure thereon.

83. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender, and shall, without unnecessary delay, make over any person so arrested to a Police officer and shall accompany, or in the absence of a Police officer take, such person to the nearest station.

Procedure after arrest.

84. Every person arrested, and every person on requisition under sub-section (*1*) of section 34, accompanying a Police officer, shall forthwith be brought before the officer in charge of the section in which the offence alleged against such person appears to have been committed, and the person or officer who made the arrest or the requisition shall inform the said officer in charge of the nature of the offence alleged to have been committed, and of any grounds that may exist for believing it to have been committed.

Person arrested when to be discharged, etc.

85. The officer in charge of the section, if he finds—

(*a*) that there are no sufficient reasons for believing that the person brought before him has committed any offence, shall record his reasons and forthwith discharge such person ;

(*b*) that there are reasonable grounds for suspecting that such person has committed an offence, but not for suspecting that he has committed a cognizable offence, shall forthwith submit a report containing his reasons to the Commissioner of Police and shall thereafter proceed as that officer directs ;

(*c*) that there are reasonable grounds for suspecting that the person so brought before him has committed a cognizable offence, shall, if such person was arrested under section 83, re-arrest him and shall either himself investigate, or direct some officer subordinate to him to investigate, the facts and circumstances of the case.

Person arrested to be taken before Magistrate.

86. An officer in charge of a section making an arrest without warrant or detaining in custody or re-arresting a person under section 85, shall, without unnecessary delay and subject to the provisions of sections 88 and 130 and to any other provisions of this Act as to bail, take or send the person arrested before the Presidency Magistrate having jurisdiction in the case.

Limit to power of detention.

87. (*1*) No Police officer shall detain in custody any person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable and necessary, and subject to the provisions of sub-section (*2*),

in no case for a period exceeding twenty-four hours except under the special orders of a Presidency Magistrate.

Holidays and time when Court is closed to be excluded.

(*2*) If the aforesaid period expires on a holiday or at night or any other time when the Court of the Presidency Magistrate having jurisdiction in the case is closed, it shall extend to such further time as will permit of the person arrested being brought before such Magistrate when the Court is next open.

Discharge of person arrested.

88. Save as provided in clause (*a*) of section 85, no person who has been arrested by, or who has on requisition under sub-section (*1*) of section 34 accompanied, a Police officer shall be discharged except—

(*a*) on his own bond, or

(*b*) on bail, or

(*c*) under the special order of the Commissioner of Police or of a Magistrate.

Summons.

Summons how served.

89. (*1*) Every summons shall, if practicable, be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

(*2*) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Service of summons on Company.

(*3*) Service of a summons on an incorporated Company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation.

Service when person summoned cannot be found.

90. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when receipt cannot be obtained.

91. If service in the manner mentioned in sections 89 and 90 cannot, by the exercise of due diligence, be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Warrant.

Continuance of warrant of arrest.

92. (*1*) Every warrant of arrest issued by a Court shall remain in force until it is cancelled by the Court which issued it or until it is executed.

(2) If the Court issuing a warrant for the arrest of any person has endorsed thereon any directions for taking security, the officer to whom the warrant is directed shall comply with such directions, and if such security be given shall release such person from custody, and forward the bond to the Court. Security to be taken if directed in warrant.

93. (1) When a warrant is directed to more Police officers than one it may be executed by all or by any one or more of them. Direction, etc., of warrants.

(2) A warrant may be executed by any Police officer whose name is endorsed upon the warrant by the officer to whom it is directed. Execution of warrant by officer whose name is endorsed.

94. The Police officer executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant. Notification of substance of warrant.

95. The Police officer executing a warrant of arrest shall, subject to the provisions of sub-section (2) of section 92, without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person. Person arrested to be brought before Court without delay.

96. The Commissioner of Police shall endorse his name on any warrant forwarded to him by any Court outside the City of Bombay and shall, if practicable, cause it to be executed in manner hereinbefore provided within the City of Bombay. Warrant forwarded from Court outside Bombay.

97. (1) When a warrant directed to a Police officer by a Court outside the City of Bombay is to be executed within the City of Bombay, he shall ordinarily take it for endorsement to a Police officer not below the rank of Inspector within whose section the warrant is to be executed. Warrant directed to Police officer by Court outside Bombay.

(2) Such Police officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police officer to whom the warrant is directed to execute the same within such division, and the local Police shall, if so required, assist such officer in executing such warrant: To be endorsed by Inspector, etc.

Provided that whenever there is reason to believe that the delay occasioned by obtaining such endorsement will prevent the execution of the warrant, the Police officer to whom it is directed may execute the same without such endorsement. Unless delay will prevent execution.

98. Any person arrested within the City of Bombay under the provisions of section 96 or 97 shall, unless security is taken under sub-section (2) of section 92, be taken before a Presidency Magistrate or the Commissioner of Police. Procedure on arrest on such warrants.

Procedure of Magistrate or Commissioner of Police.

99. (*1*) Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court :

When bail to be taken.

Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or if such person is ready and willing to give security in pursuance of any direction endorsed on the warrant by the Court which issued the same, such Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

(*2*) Nothing in this section shall be deemed to prevent a Police officer from taking security under sub-section (*2*) of section 92.

Search Warrants.

Execution of search warrant.

100. Any person to whom a search warrant is directed by a Court may make a search or inspection in accordance with such directions as may be given therein and with the provisions hereinafter contained.

Disposal of things found on search warrant issued by Court outside Bombay.

101. When in the execution of a search warrant issued by a Court outside the City of Bombay any of the things for which search is made are found in the City of Bombay, such things together with the list of the same prepared as hereinafter provided shall be taken to the Presidency Magistrate having jurisdiction at the place where they were so found or to the Commissioner of Police, and, unless there be good reason to the contrary, such Magistrate or Commissioner shall make an order authorizing them to be taken to such Court.

Procedure as in case of warrants.

102. The provisions of sections 92, 93, 94, 96 and 97 shall, so far as may be, apply to all search warrants issued to a Police officer under this Act or under the [1] Code of Criminal Procedure. V of 1898.

Person in charge of closed place to allow search.

103. (*1*) Whenever any place liable to search or inspection under this Act is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Ingress how to be obtained.

(*2*) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by sub-section (*2*) of section 78.

Search for articles concealed on person.

(*3*) When any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched, subject to the provisions of sub-section (*2*) of section 81 if such person be a woman.

[1] General Acts, Vol. V.

(4) When any person is searched under sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person, if he so require. Copy of list to be given to person searched.

104. (1) Before making a search under this Act, the officer about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search. Search to be made in presence of witnesses.

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it. List of things seized to be made.

(3) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request. Occupant to be present, and to have copy of list if required.

105. The Commissioner of Police may, if he thinks fit, retain in safe custody any document or thing found or produced before him which relates to a matter under investigation or in respect of which there is a reasonable suspicion of the commission of an offence. Documents, etc., may be retained in safe custody.

Bail.

106. When any person, other than a person accused of a non-bailable offence, is arrested or detained without warrant by an officer in charge of a section and is prepared at any time while in custody of such officer to give bail, such person shall be released on bail: Bail to be taken in case of bailable offence.

Provided that such officer, if he thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

107. (1) When any person accused of any non-bailable offence is arrested or detained without a warrant, by an officer in charge of a section, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused. When bail may be taken in case of non-bailable offence.

(2) If it appears to such officer at any stage of the investigation that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Bond of accused and his sureties.

108. Before any person is released under section 106 or 107, a bond for such sum of money as the Police officer thinks sufficient shall be executed by such person, and if he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed by the Police officer or by a Magistrate.

Discharge from custody.

109. (*1*) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released.

Liability to be detained for other offence.

(*2*) Nothing in this section or in section 106 or 107 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Amount of bail not to be excessive.

110. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive, and the High Court may in any case direct that any person be admitted to bail, or that the bail required by a Police officer be reduced.

Procedure on forfeiture of bond.

[1] **[110A.** (*1*) Whenever it is proved to the satisfaction of the Court of a Presidency Magistrate that a bond taken under this Act has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(*2*) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(*3*) Such warrant may be executed within the City of Bombay; and it shall authorize the distress and sale of any moveable property belonging to such person without the City of Bombay, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

(*4*) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(*5*) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

---

[1] This section was inserted by s. 6 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.]

CHAPTER VII.

OFFENCES AND PUNISHMENTS.

Wilful trespass.

111. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling-house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

[1] [**111A.** Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the municipal corporation of the City of Bombay or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.]

Being found under suspicious circumstances between sunset and sunrise.

112. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of housebreaking,

shall be punished with imprisonment for a term which may extend to three months.

[1] This section was inserted by s. 5 of the City of Bombay Police (Amendment) Act, 1917 (Bom. Act 2 of 1917), Vol. V of this Code.

Carrying weapon without authority.

113. Whoever not being a soldier or sailor in His Majesty's Army or Navy, or Royal Indian Marine Service, or a Volunteer enrolled under the [1] Indian Volunteers Act, 1869, and acting as such, or a Police officer, goes armed with any sword, spear, bludgeon, gun, or other offensive weapon, in any street or public place, unless by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or weapons so seized shall be forfeited to Government, unless redeemed by payment of such fine not exceeding ten rupees as the Commissioner of Police imposes.

Possession of property of which no satisfactory account can be given.

114. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees.

115. Whoever—

Taking spirits into public hospitals;

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on board vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to His Majesty in the Port,

shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, and such spirits, liquors, drugs or preparations, and the vessels containing the same, shall be forfeited.

Omission by pawn-brokers, etc., to report possession or

116. (*1*) Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner of Police to be such a person, and having received from a Police officer written or printed information that the possession of any property is suspected to have been

[1] *See* now the Auxiliary Force Act, 1920 (49 of 1920).

XLV of 1860. transferred by any offence mentioned in section 410 of the [1] Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in the possession, or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless Tender of property suspected to be stolen.

(*i*) he forthwith gives information to the Commissioner of Police or at a police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

(2) Whoever, having received such information as aforesaid, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section XLV of 1860. 410 of the [1] Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both. Melting, etc., of such property.

117. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall be punished with fine which may extend to one hundred rupees. Taking pledge from child.

118. Whoever in any street or public place—

(*a*) cleans any article of furniture, or any vehicle, or grooms any animal, Cleaning furniture or animal.

(*b*) except at such times and places as are permitted by the Commissioner of Police, makes, or save in case of an accident rendering repair on the spot unavoidable, repairs, any part of any vehicle, Repairing vehicles.

[1] Genera Acts, Vol. I.

Taking animal or vehicle on footpath.

(*c*) rides, drives, leads, propels or places on any footpath any animal, or any vehicle other than a perambulator,

Training and breaking horses.

(*d*) except at such times and places as the Commissioner of Police permits, trains or breaks any horse,

Setting a dog to attack persons or animals.

(*e*) sets on or urges a dog or other animal to attack, worry or put in fear any person or animal,

Letting horses loose, and suffering ferocious dogs to be at large, etc.

(*f*) negligently lets loose any horse or other animal so as to cause danger, injury, alarm or annoyance, or suffers any ferocious dog to be at large without a muzzle,

Obstruction, damage, etc., by animals.

(*g*) causes obstruction, damage or injury by any misbehaviour, negligence or ill usage in the driving, management, treatment or care of any cattle or animal,

Obstructing bathing.

(*h*) obstructs or incommodes a person bathing, at a place at which bathing is permitted, either by wilful intrusion or by improper use of such place, or

Frightening persons, horses, etc., by flying a kite.

(*i*) flies a kite so as to cause danger, injury or alarm to persons, horses or property,

shall be punished with fine which may extend to fifty rupees.

Lighting bonfire, burning straw, discharging firearm, etc., in or near street or public place.

119. Whoever in or near any street or public place—

(*a*) sets fire to or burns any straw or other matter,

(*b*) lights a bonfire, or

(*c*) lets off or throws a firework,

and whoever in or within two hundred yards of any street or public place,

(*d*) wantonly discharges a firearm or air-gun, or

(*e*) sends up a fire balloon or rocket,

except at such times and places as the Commissioner of Police from time to time permits, shall, in any case falling under clause (*d*) or (*e*) of this section, be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and in any other case be punished with fine which may extend to fifty rupees.

Soliciting for purposes of prostitution and indecent exposure of person.

120. Whoever in any street or public place or place of public resort, or within sight of, and in such manner as to be seen or heard from, any street or public place, whether from within any house or building or not,—

(*a*) by words, gestures or otherwise attracts or endeavours to attract attention for the purpose of prostitution,

(*b*) solicits or molests any person for the purpose of prostitution, or

(*c*) wilfully and indecently exposes his person,

shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Begging and exposure of offensive ailments.

121. Whoever in any street or public place begs or directs or permits children under his control to beg, or applies for alms or exposes or exhibits with the object of obtaining or extorting alms any sores, wound, deformity or disease, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees, or with both.

Drunkenness or riotous or disorderly behaviour in street, etc.

122. Whoever in any street or public place or place of public resort—

(*a*) is drunk and incapable of taking care of himself,

(*b*) behaves in a riotous, indecent or disorderly manner, or

Provoking breach of the peace.

(*c*) uses any threatening, abusive, insulting or obscene words or gestures, whereby a breach of the peace or public nuisance may be occasioned,

shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Disorderly conduct in Court and Police offices.

123. Whoever in any Court or Police station or office behaves in a violent, disorderly or indecent manner, shall be punished with fine which may extend to fifty rupees.

Disregard of notice in public building.

[1] [**123A.** Whoever in any Court, Police station, Police office, building occupied by Government or building occupied by any public body smokes or spits in contravention of a notice previously approved by the Governor in Council and affixed to such Court, station, office or building, shall be punished with fine which may extend to fifty rupees.]

Committing nuisance in or near street, etc.

124. Whoever in or near to any street, public place or place of public resort—

(*a*) commits a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffers such child to commit a nuisance as aforesaid,

shall be punished with fine which may extend to fifty rupees.

Permission of disorderly conduct in places of public amusement, etc.

125. Whoever, being the keeper of any place of public amusement or entertainment, knowingly—

(*a*) permits drunkenness or other disorderly behaviour, or any gaming whatsoever, in such place, or

[1] This section was inserted by s. 7 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

(*b*) permits prostitutes, or persons of notoriously bad character, to meet or remain in such place,

shall be punished with fine which may extend to one hundred rupees.

Cheating at games.

126. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the [1]Indian Penal Code, and be liable to punishment accordingly. XLV of 1860.

Unlawful detention for purpose of prostitution:

[2][**126A.** (*1*) Whoever detains any woman or girl against her will

(*a*) in any house, room or place in which the business of a common prostitute is carried on, or

(*b*) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Presumption to be drawn:

(*2*) Where a woman or girl is in any house, room or place in which the business of a common prostitute is carried on or is in or upon any premises for the purpose of having any sexual intercourse, a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there; such person withholds from her any wearing apparel or other property belonging to her, or, where wearing apparel or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied, or for the recovery of such money.

bar of legal proceedings in certain cases.

(*3*) No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.]

[1] General Acts, Vol. I.

[2] This section was inserted by s. 8 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

Contravention of rules and orders.

127. Whoever—

(*a*) contravenes any rule made under section 22 or any order or prohibition lawfully given under sub-section (*3*) of section 22 or under section 23, or

(*b*) disobeys or fails to conform to any lawful and reasonable direction given by any Police officer in conformity with this Act or with any rule made thereunder, or

(*c*) opposes or disobeys or fails to conform to any direction notified by the Commissioner of Police under section 27, or abets opposition to or disobedience of any such direction,

shall,—

(*i*) for any contravention of a rule made under section 22, if the rule contravened be one made under clause (*a*), (*b*) or (*c*), or under sub-clause (*i*) or (*ii*) of clause (*f*), be punished with fine which may extend to fifty rupees, and if it be one made under clause (*d*) or (*e*) or under sub-clause (*iii*), (*iv*) or (*v*) of clause (*f*), be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, or with both ;

(*ii*) for any contravention of a prohibition given under sub-section (*2*) or (*3*) of section 23, or in any case falling under clause (*c*) of this section, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both ; and

(*iii*) in any other case, be punished with fine which may extend to one hundred rupees.

Unauthorized return after removal from Bombay.

128. Whoever, within two years from the date of his removal under the provisions of section 27 [1] [or section 28], returns to any place within the City of Bombay, without the permission in writing of the Commissioner of Police, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Prostitute, etc., not complying with notice.

129. Any person on whom a notice under section 28 shall have been served, disobeying the requisition therein contained, shall be punished with imprisonment for a term which may extend

(*a*) in the case of a first offence, to one month, and

(*b*) in the case of a second or subsequent offence, to three months.

Prosecution for certain offences to be discretionary.

130. It shall not be incumbent on the Commissioner of Police, or any Superintendent specially authorized in writing in that behalf by the Commissioner, to prosecute for any offence punishable under sub-section (*3*) of

[1] These words and figures were inserted by s. 9 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

section 10, section 118, 119, 122, [1] [126A], 127 or 128, save in obedience to a rule or order made by the Governor in Council or when such offence has occasioned serious mischief.

Prosecution for offences under other enactments.

131. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act, or from being prosecuted and punished under this Act, for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of section 403 of the [2]Code of Criminal Procedure. V of 1898.

CHAPTER VIII.

MISCELLANEOUS.

Disposal of fees, rewards, etc

132. All fees paid for licenses or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to the Municipality, be credited to Government:

Provided that, with the sanction of the Governor in Council, or under any rule made by the Governor in Council in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

Method of proving orders and notifications.

133. Any order or notification published or issued by the Governor in Council or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the Bombay Government Gazette, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not invalidated by defect of form or irregularity in procedure.

134. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or publication or any irregularity of procedure.

---

[1] These figures and letter were inserted by section 10 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), Vol. V of this Code.

[2] General Acts, Vol. V.

Application by person interested to annul, etc., rule or order.

135. (*1*) In the case of any rule or order made by the Governor in Council under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the Governor in Council by a memorial addressed to a Secretary to Government, to annul, reverse or alter such rule or order on the ground of its being unlawful, oppressive or unreasonable.

When suit will lie to declare order unlawful.

(*2*) If such an application has been wholly or in part rejected, or if after the lapse of four months no answer thereto or decision thereon has been received from or published by the Governor in Council, it shall be competent to the person interested to institute a suit against Government for a declaration that such rule or order is unlawful either wholly or in part. Any such rule or order finally adjudged to be unlawful shall be annulled or reversed or so altered as to make it conformable to law.

Licenses and written permissions to specify conditions, etc., and to be signed.

136. (*1*) Any license or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the Commissioner of Police : and such fee shall be charged therefor as is prescribed by any rule under this act on that behalf.

Revocation of licenses, etc.

(*2*) Any license or written permission granted under this Act may at any time be suspended or revoked by the Commissioner of Police, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such license or permission relates.

When license revoked, etc., grantee to be deemed without license.

(*3*) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a license or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

Grantee to produce license, etc., when required.

(*4*) Every person to whom any such license or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a Police officer.

Public notices how to be given.

137. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of the Commissioner of Police, and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drum, or by advertising the same in such local newspapers, English or

Vernacular, as the Commissioner of Police may deem fit, or by any two or more of these means and by any other means he may think suitable.

Consent, etc., of Commissioner of Police may be proved by writing under his signature.

138. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner of Police or of any other Police officer, a written document signed by the Commissioner of Police or by such officer purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

Signature on notices, etc., may be stamped.

139. Every license, written permission, notice, or other document, not being a summons or warrant, or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner of Police, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

Magistrate or Police officer not liable to penalty or damages for act done in good faith in discharge of duty.

140. (*1*) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in [1] good faith in pursuance or intended pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

Nor public servants, etc., for giving effect in good faith to rule, etc., issued with apparent authority.

(*2*) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Governor in Council or by a person empowered in that behalf under this Act or any rule made thereunder.

Prosecutions or suits for acts done under colour of duty barred after three months.

(*3*) In any case of an alleged offence by a Magistrate, Police officer or other person or of a wrong alleged to have been done by such Magistrate Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong, if committed or done, was of the character aforesaid the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than three months after the date of the act complained of.

Suits in certain cases to be dismissed.

(*4*) The plaint in any such suit shall be rejected if it does not expressly allege that the act complained of was done maliciously and without reasonable

---

1 As to definition of "good faith" *see* s. 52 of the Indian Penal Code (Act 45 of 1860), Genl. Acts, Vol. I, and s. 3 (*20*) of the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), *infra*.

or probable cause; and any such suit shall be dismissed if, in the case of an action for damages, tender of sufficient amends shall have been made before the suit was brought, or a sufficient sum of money is paid into Court, with costs, by or on behalf of the defendant, after the institution of the suit.

SCHEDULE A.

Enactments repealed [vide *Section 2 (1)*.]

Year.	No.	Subject or Title.	Extent of repeal.
1856 ...	XIII	An Act for regulating the Police of the Towns of Calcutta, Madras and Bombay.	So far as it affects the Town of Bombay so much as has not been repealed.
1860 ...	XLVIII	An Act to amend Act XIII of 1856.	So far as it affects the Town of Bombay so much as has not been repealed.
1898 ...	V	The Code of Criminal Procedure.	In sub-section (*2*) of sections 54, 55, 56 and 127 and in sub-section (*4*) of section 84, *the letter* "s" *in the word* "Towns" *and the words* "and Bombay".
			The whole of Chapter IX so far as it applies to the Town of Bombay.
			Sub-section (*2*) of section 83, and sections 85, 86 and 155 so far as they apply to the Police in the Town of Bombay.

SCHEDULE B.

Certificate to be received by Police officers appointed by the Commissioner of Police [vide *Section 8 (1)*.]

A. B. has been appointed by the Commissioner of Police for the City of Bombay to the Police of the City of Bombay, and is vested with the powers, functions and privileges of a Police officer under the City of Bombay Police Act, 1902.

Commissioner of Police.

BOMBAY ACT No. I OF 1903.[1]

[*11th June, 1903.*]

An Act further to amend the Bombay Abkari Act, 1878.

WHEREAS it is expedient further to amend the [2]Bombay Abkari Act, 1878, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act V of 1878.

Short title. **1.** This Act may be cited as the Bombay Abkari (Amendment) Act, 1903.

Amendment of section 3. **2.** In clause (7) of section 3 of the [2]Bombay Abkari Act, 1878, after the words "spirits of wine" the words "methylated spirits" shall be inserted; and after the word "alcohol" the following shall be added, namely:— Bom. Act V of 1878.

"and

'spirits' means any liquor containing alcohol and obtained by distillation whether it be denaturalised so as to render it unfit for human consumption or not."

BOMBAY ACT No. III OF 1903.[3]

[*11th June, 1903.*]

An Act further to amend the Bombay District Municipal Act, 1901.

WHEREAS it is expedient further to amend the [4]Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act III of 1901.

Repeal of part of section 52. **1.** In clause (*a*) of the second proviso to section 52 of the [4]Bombay District Municipal Act, 1901, hereinafter called "the said Act," the words "throughout the line of country in which such works are situate, or contiguous to such line of country" are repealed. Bom. Act III of 1901.

Amendment of sections 188 and 189. **2.** (*1*) In section 188, sub-section (*1*), of the said Act—

(*a*) for clause (*a*) the following clause shall be substituted, namely:—

[*Supra.*]

(*b*) in clause (*c*), for the word "applied" the words "or rules applied or adapted" shall be substituted.

(*2*) In section 189 of the said Act, for the word "extended" the word "applied" shall be substituted.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1903, Pt. VII, p. 2, and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 40. This Act has been virtually repealed by Bom. Act 12 of 1912, s. 1 (*c*).

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1903, Pt. VII, p. 4, and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 43.

Short Title.—"The Bombay District Municipal (Amendment) Act, 1903," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[4] *Supra.*

BOMBAY ACT No. V OF 1903.[1]

[*11th June, 1903.*]

An Act to further amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient to further amend the [2]City of Bombay Municipal Act, 1888 (as amended by section 1 of [3]Bombay Act II of 1900), in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. Act III of 1888.

Bom. Act III of 1888.

1. In clause (*c*) of sub-section (2) of section 74 of the [2]City of Bombay Municipal Act, 1888, for the words "fifteen hundred," where they first occur, the words "two thousand" shall be substituted. Amendment of section 74.

THE BOMBAY GENERAL CLAUSES ACT, 1904.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title.

2. Repeal.

General Definitions.

3. Definitions.

4. Application of certain of the foregoing definitions to previous Bombay Acts.

General Rules of Construction.

5. Coming into operation of Bombay Acts.

6. Printing of date on which Act is published after having received the assent of the Governor General.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1902, Pt. VII, p. 403, and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 39.

Short Title.—"The City of Bombay Municipal (Amendment) Act, 1903," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[2] Vol. III of this Code.

[3] *Supra.*

SECTIONS.

7. Effect of repeal.
8. Revival of repealed enactments.
9. Construction of references to repealed enactments.
10. Commencement and termination of time.
11. Computation of time.
12. Measurement of distances.
13. Gender and number.

Powers and Functionaries.

14. Powers conferred on the Government to be exercisable from time to time.
15. Power to appoint to include power to appoint *ex-officio*.
16. Power to appoint to include power to suspend or dismiss.
17. Substitution of functionaries.
18. Successors.
19. Officials chiefs and subordinates.

Provisions as to orders, rules, etc., made under Enactments.

20. Construction of orders, etc., issued under Bombay Acts.
21. Power to make to include power to add to, amend, vary or rescind, orders, etc.
22. Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act.
23. Publication of orders and notifications in the Bombay Government Gazette to be deemed to be due publication.
24. Provisions applicable to making of rules or by-laws after previous publication.
25. Continuation of orders, etc., issued under enactments repealed and re-enacted.

Miscellaneous.

26. Recovery of fines.
27. Provision as to offences punishable under two or more enactments.
28. Meaning of service by post.
29. Citation of enactments.
30. Saving for previous Acts, rules and by-laws.

SCHEDULE.

BOMBAY ACT No. 1 OF 1904.[1]

[*30th May, 1904.*]

An Act for further shortening the language used in Bombay Acts, and for other purposes.

WHEREAS it is expedient further to shorten the language used in Bombay Acts, and to make certain other provisions relating to those Acts; It is hereby enacted as follows:—

Preliminary.

Short title. **1.** This Act may be called the Bombay General Clauses Act, 1904.

Repeal. **2.** The Bombay Acts mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

General Definitions.

Definitions. **3.** In this Act, and in all Bombay Acts made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

"Abet." (*1*) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the[2] Indian Penal Code; XLV of 1860.

"Act." (*2*) "act," used with reference to an offence or a civil wrong, shall include a series of acts; and words which refer to acts done shall extend also to illegal omissions;

"Affidavit." (*3*) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

"Barrister." (*4*) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland;

"Bombay Act." (*5*) "Bombay Act" shall mean an Act made by the Governor of Bombay in Council under the[3] Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892;

"Bombay Government Gazette." (*6*) "Bombay Government Gazette" shall, with reference to Sind, include the Sind Official Gazette;

"Bombay Presidency." (*7*) "Bombay Presidency" or "Presidency of Bombay" shall mean the territories within British India for the time being under the administration of the Governor of Bombay in Council;

"British India." (*8*) "British India" shall mean all territories and places within His Majesty's dominions which are for the time being governed by

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1903, Pt. VII, pp. 5, 6; for Report of Select Committee, *see ibid*, 1904, Pt. VII, p. 1, and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 130, *ibid*, 1904, Pt. VII, p. 42.

[2] General Acts, Vol. I.

[3] *See* now the Government of India Act, 1915 (5 & 6 Geo. 5, Ch. 61).

His Majesty through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India;

"Chapter." (9) "Chapter" shall mean a Chapter of the Act in which the word occurs;

"City of Bombay." (10) "City of Bombay" shall mean the area within the local limits for the time being of the ordinary original civil jurisdiction of the Bombay High Court of Judicature;

"Collector." (11) "Collector" shall mean, in the City of Bombay, the Collector of Bombay, and elsewhere the chief officer in charge of the revenue-administration of a district;

"Commencement." (12) "commencement," used with reference to an Act, shall mean the day on which the Act comes into force;

"Commissioner." (13) "Commissioner" shall mean, in Sind, the Commissioner in Sind, and elsewhere the Commissioner of a division appointed under the [1]Bombay Land-Revenue Code, 1879, or any other law for the time being in force in this behalf; Bom. Act V of 1879.

"Consular Officer." (14) "Consular officer" shall include consul-general, consul, vice-consul, consular agent, proconsul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent;

"District Judge." (15) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

"Document." (16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter;

"Enactment." (17) "enactment" shall include a Regulation (as hereinafter defined) and any Regulation of the Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid;

"Father." (18) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father;

"Financial year." (19) "financial year" shall mean the year commencing on the first day of April.

[1] Vol. II of this Code.

(20) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not; "Good faith."

(21) "Government of India" shall mean the Governor General in Council or, during the absence of the Governor General from his Council, the President in Council, or the Governor General alone, as regards the powers which may be lawfully exercised by them or him respectively; "Government of India."

(22) "High Court," used with reference to civil proceedings, shall mean the highest Civil Court of appeal in the part of the Bombay Presidency in which the Act containing the expression operates; "High Court."

(23) "His Majesty" or "the King" shall include His successors; "His Majesty" or "the King."

(24) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth; "Immoveable property."

(25) "imprisonment" shall mean imprisonment of either description as defined in the [1] Indian Penal Code; "Imprisonment."

XLV of 1860.

(26) "local authority" shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund; "Local authority."

(27) "Local Government" shall mean the Governor of Bombay in Council; "Local Government."

(28) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the [2] Code of Criminal Procedure for the time being in force; "Magistrate."

V of 1898.

(29) "master," used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship; "Master" (of a ship).

(30) "month" shall mean a month reckoned according to the British calendar; "Month."

(31) "moveable property" shall mean property of every description, except immoveable property; "Moveable property."

(32) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing; "Oath."

(33) "offence" shall mean any act or omission made punishable by any law for the time being in force; "Offence."

[1] General Acts, Vol. I.
[2] General Acts, Vol. V.

"Part." (*34*) " Part " shall mean a Part of the Act in which the word occurs;

" Person." (*35*) " person " shall include any company or association or body of individuals, whether incorporated or not;

" Public nuisance." (*36*) " public nuisance " shall mean a public nuisance as defined in the [1]Indian Penal Code; XLV of 1860.

" Registered." (*37*) " registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents;

" Regulation." (*38*) " Regulation " shall mean a Regulation made under the [2] Government of India Act, 1870;

" Rule." (*39*) " rule " shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment;

" Schedule." (*40*) " schedule " shall mean a schedule to the Act in which the word occurs;

" Scheduled District." (*41*) " Scheduled District " shall mean a " Scheduled District " as defined in the [3] Scheduled Districts Act, 1874; XIV of 1874.

" Section." (*42*) " section " shall mean a section of the Act in which the word occurs;

" Ship." (*43*) " ship " shall include every description of vessel used in navigation not exclusively propelled by oars;

" Sign." (*44*) " sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include " mark," with its grammatical variations and cognate expressions;

" Son." (*45*) " son ", in the case of any one whose personal law permits adoption, shall include an adopted son;

" Sub-section." (*46*) " sub-section " shall mean a sub-section of the section in which the word occurs;

" Swear. (*47*) " swear ", with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

---

[1] General Acts, Vol I.

[2] *See* now the Government of India Act, 1915 (5 & 6 Geo. 5, Ch. 61).

[3] General Acts, Vol. II.

(*48*) " vessel " shall include any ship or boat or any other description of vessel used in navigation; "Vessel."

(*49*) " will " shall include a codicil and every writing making a voluntary posthumous disposition of property; "Will."

(*50*) expressions referring to " writing " shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words or figures in a visible form on any substance ; and "Writing."

(*51*) " year " shall mean a year reckoned according to the British calendar. "Year."

4. The definitions in section 3 of the following words, that is to say, " abet ", " affidavit ", " British India ", " Chapter ", " City of Bombay ", " Collector ", " Commissioner ", " good faith ", " Government of India ", " immoveable property ", " imprisonment ", " Magistrate ", " month ", " moveable property ", " oath ", " Part ", " person ", " Presidency of Bombay ", " Schedule ", " section ", " swear ", " vessel ", " writing " and " year ", apply also, unless there is anything repugnant in the subject or context, to all Bombay Acts made before the commencement of this Act. Application of certain of the foregoing definitions to previous Bombay Acts.

General Rules of Construction.

5. (*1*) Where any Bombay Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which it is first published in the Bombay Government Gazette after having received the assent of the Governor General. Coming into operation of Bombay Acts.

(*2*) Unless the contrary is expressed, a Bombay Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

6. In this Act, and in every Bombay Act made after the commencement of this Act, the date of such publication as is mentioned in section 5, sub-section (*1*), shall be printed above the title of the Act, and shall form part of the Act. Printing of date on which Act is published after having received the assent of the Governor General.

7. Where this Act, or any Bombay Act made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not— Effect of Repeal.

(*a*) revive anything not in force or existing at the time at which the repeal takes effect ; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

Revival of repealed enactments.

8. (*1*) In any Bombay Act made after the commencement of this Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Construction of references to repealed enactments.

9. Where this Act, or any Bombay Act made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

10. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from" and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Computation of time.

11. Where, by any Bombay Act made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any act or proceeding to which the [1] Indian Limitation Act, 1877, applies.

[1] *See* now the Indian Limitation Act, 1903 (9 of 1903), General Acts, Vol. VI.

Measurement of distances.

12. In the measurement of any distance for the purpose of any Bombay Act made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Gender and number.

13. In all Bombay Acts, unless there is anything repugnant in the subject or context,—

(*a*) words importing the masculine gender shall be taken to include females; and

(*b*) words in the singular shall include the plural, and *vice versa*.

Powers and Functionaries.

Powers conferred on the Government to be exercisable from time to time.

14. Where, by any Bombay Act made after the commencement of this Act, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

Power to appoint to include power to appoint *ex-officio*.

15. Where, by any Bombay Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

16. Where, by any Bombay Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substitution of functionaries.

17. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Successors.

18. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Official chiefs and subordinates.

19. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

Provisions as to Orders, Rules, etc., made under Enactments.

Construction of orders, etc., issued under Bombay Acts.

20. Where, by any Bombay Act, a power to issue any notification, order, scheme, rule, by-law or form is conferred, then expressions used in the notification, order, scheme, rule, by-law or form, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Power to make to include power to add to, amend, vary or rescind, orders, etc.

21. Where, by any Bombay Act, a power to issue notifications, orders, rules or by-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or by-laws so issued.

Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act.

22. Where, by any Bombay Act which is not to come into operation on the day on which it is first published in the Bombay Government Gazette after having received the assent of the Governor General, a power is conferred to make rules or by-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then that power may be exercised at any time after the Act has been published as aforesaid, but rules, by-laws or orders so made or issued shall not take effect till the commencement of the Act.

Publication of orders and notifications in the Bombay Government Gazette to be deemed to be due publication.

23. Where, in any Bombay Act or in any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the Bombay Government Gazette.

Provisions applicable

24. Where, by any Bombay Act, a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being

made after previous publication, then the following provisions shall apply, namely— to making of rules or by-laws after previous publication.

(*a*) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby;

(*b*) the publication shall be made in such manner as that authority deems to be sufficient or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes;

(*c*) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(*d*) the authority having power to make the rules or by-laws, and, where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified;

(*e*) the publication in the Bombay Government Gazette of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

25. Where any enactment is, after the commencement of this Act, repealed and re-enacted by a Bombay Act with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, by-law or form made or issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, by-law or form made or issued under the provisions so re-enacted. Continuation of orders, etc., issued under enactments repealed and re-enacted.

Miscellaneous.

XLV of 1860. V of 1898.

26. Sections 63 to 70 of the [1] Indian Penal Code, and the provisions of the [2] Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any Bombay Act or any rule or by-law made under any Bombay Act, unless the Act, rule or by-law contains an express provision to the contrary. Recovery of fines.

---

[1] General Acts, Vol. I.

[2] General Acts, Vol. V.

Provision as to offences punishable under two or more enactments.

27. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

28. Where any Bombay Act made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

29. (*1*) In any Bombay Act, and in any rule, by-law, instrument or document made under, or with reference to, any Bombay Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(*2*) In this Act, and in any Bombay Act made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Saving for previous Acts, rules and by-laws.

30. Where any Act, rule or by-law made after the commencement of this Act continues or amends any Acts, rules or by-laws made before the commencement of this Act, the foregoing sections of this Act shall not by reason merely of such continuance or amendment affect the construction of such Acts, rules or by-laws.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 2.*)

Year.	No.	Title or Subject.	Extent of repeal.
1886 ...	III	The Bombay General Clauses Act, 1886.	The whole, [1][except so much of [2] Schedule B as relates to unrepealed enactments].
1891 ...	I	An Act to amend the Bombay General Clauses Act, 1886.	So much as is unrepealed.
1896 ...	I	Do. do.	The whole.

[1] These words were inserted by s. 2 of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905) *infra*.

[2] Printed as an Appendix to this Act.

APPENDIX.

[1] *SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886).*

VERBAL AMENDMENTS MADE IN THE REGULATIONS AND ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

ENACTMENT.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
Regulations.	19	1	"Magistrate"	"District Magistrate".
[2] XII of 1827.	„	6	'The Magistrate" (the first time the words occur).	"the District Magistrate".
	„	„	"the Magistrate" (the second time the words occur).	"any Magistrate."
	„	„	"ordinary"	"simple".
	„	„	"without labour"	.....
	„	7	"Magistrate" (the first time the word occurs).	"District Magistrate".
	„	„	"Magistrate" (the second time the word occurs).	"Magistrate before whom proceedings against such individual are being held".
	„	8	"the Magistrate shall also" ...	"any Magistrate may".
	20	...	"Magistrate"	"District Magistrate".
	27	2	"Magistrate" (each time the word occurs).	"District Magistrate".
	„	„	"ordinary"	"simple."
	„	„	"without hard labour" ...	.....
	37	1	"Magistrate"	"District or Sub-Divisional Magistrate".
[3] XXII of 1827.	40	...	"Magistrate"	"District Magistrate".
	41	1	"local"	"District".
	42	1	"local"	"District".
	„	2, 3, 4	"Magistrate" (each time the word occurs).	"District Magistrate".

[1] This schedule so far as it affects unrepealed enactments has been reproduced here as an Appendix as the insertion of certain words in the schedule to Bom. Act I of 1904 by Bom. Act 4 of 1905, *infra*, has revived it as regards such enactments. Entries relating to sections which have been repealed or substituted after the passing of Act 4 of 1905, have also been omitted, a footnote explanation being given in each case.

[2] Bom. Reg. XII of 1827, s. 19, cls. 1, 6, 7 and 8, is repealed by the Bombay District Police Act, 1890 (Bom. Act 4 of 1890), Vol. III of this Code, wherever that Act extends. For the Regn. *see* Vol. I of this Code.

[3] Vol. I of this Code.

[1] *SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
Regulations—contd.				
[2] XXV of 1827.	4	2	"Magistrate" (both times the word occurs).	"District Magistrate".
Acts.	7	...	"Magistrate"	"District Magistrate".
[3] I of 1862 ...	1	...	"Annexed to this Act" ...	.....
[3] IV of 1862	1	...	"the Magistrate" (the second time the words occur).	"a Magistrate of the first class".
	,,	...	"calendar"	.....
	6	...	"Magistrate"	"District Magistrate".
	,,	...	"this Act"	"section 4".
	,,	...	"of Police"	.....
	7	...	"of either kind"	.....
	,,	...	"calendar"	.....
	10	...	"Magistrate"	"District Magistrate".
	,,	...	"of Police"	.....
[3] V of 1862	3	...	"Calendar"	.....
[3] VI of 1862	8 and 9	...	"Calendar" (each time the word occurs).	.....
	21	...	"The following words and expressions".	.....
	,,	...	"shall have the meanings hereby assigned to them".	.....
	,,	...	"(that is say)"	.....
[3] I of 1863 ...	6	...	"Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind".	"of the first class".
	12	...	Ditto	Ditto.
	11	...	"of this Act"	.....
[3] II of 1863	2	...	"of this Act" (the first time the words occur).	.....
	3, 4, 5, 7, 8, 10, 11 and 13.	...	"of this Act" (each time the words occur).	.....
	4, 5 and 11.	...	"calendar" (each time the word occurs).	.....
	5 and 11.	...	"collectorate or" (each time the words occur).	.....
	11	4	"collectorate"	"district".
	,,	6	"collectorate" (each time the word occurs).	"district".
[3] III of 1863	1 and 2	...	"to this Act" (each time the words occur).	.....
[3] V of 1863	20	...	"of this Act"	.....
[4] * * * *	* *	* * *	* * * *	.....

[1] *See* footnote 1 on p. 343, *ante*.
[2] Vol. I of this Code.
[3] Vol. II of this Code.
[4] The entry relating to Bom. Act 6 of 1863 is omitted as the Act has been repealed by Bom. Act 7 of 1920, Vol. V of this Code.

[1] *SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
[2] VII of 1863	6	...	"of this Act" (the first time the words occur).	... ,,
	7, 8, 9, 11, 12, 13 and 26.	...	"of this Act" (each time the words occur).	.....
	9	1 and 2	"collectorate or" (each time the words occur).	.....
	,,	3, 4, 6 and 7.	"collectorate" (each time the word occurs).	"district".
	,,	8	"calendar"	... ...
	,,	9	"Revenue"	... ,,
	,,	,,	"of the division"	.....
	12	...	"or Sub-Collector"	.....
	20	2	"annexed"	... ...
[2] VII of 1866	6	...	"of this Act"	... ...
[2] XII of 1866	15	...	"annexed to this Act" ...	... ...
[2] XIII of 1866.	2 and 3	...	"or affirmation" (each time the words occur in either section).	.....
[2] VI of 1867	5, 9 and 10.	...	"of this Act" (each time the words occur).	.....
[2] VII of 1867	34	...	"of this Act" (each time the words occur).	.....
	,,	...	"full-power Magistrate" ...	"Magistrate of the first class".
[2] VIII of 1867	[3] [1	...	"Commissioner of Police" Act, 1861).	"Acts, 1867 and 1890"].
	3, 4, 5, 15 and 18.	...	"of Police" (wherever in the said sections those words follow the word "Commissioner").	.....
	5	...	"Police" (in each place in which the word precedes the word "Commissioner").	.....
	18	...	"of this Act"	.....
[2] II of 1868	17	...	"Revenue or Police" ...	.....
[2] III of 1869	8	...	"of this Act"	... ...
[2] I of 1874	In the preamble.	...	"to this Act"	.....
	4	...	The last three words	.....
	13	...	"of this Act" (the first time the words occur).	.....
	14	...	"of this Act"	.....
	29	...	"calendar"	.....
[2] II of 1874	15	...	"of this Act" (each time the words occur).	.....

[1] *See* footnote 1 on page 343, *ante*.

[2] Vol. II of this Code.

[3] Inserted by the Bom. General Clauses Amendment Act, 1891 (Bom. Act 1 of 1891).

[1]*SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—contd.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
[2] III of 1874	3, 4, 6, 7, 10, 11, 12, 13, 21, 31, 37, 39, 55, 67, 73, 75, 76, and 83.	...	"of this Act" (each time the words occur).	.....
	6	1	"Revenue" (each time the word occurs).	.....
	20	...	"of this Act" (the first time the words occur).	.....
	40	1	The last three words ..	.....
	73	2	"thereof"	.....
	74	...	"revenue"	.....
	"	...	"appointed under Regulation V of 1830, or other law in force for the time being".	.....
	77	...	"empowered under the provisions of Bombay Act I of 1868."	.....
	"	...	"so empowered"	.....
	84	...	"Revenue"	.....
[3] III of 1875	7	...	"of either description" ...	.....
	"	...	"calendar"	.....
[3] II of 1876	14, 16, 18, and 33.	...	"of this Act" (each time the words occur).	.....
	16	...	"hereunto annexed" ...	.....
	31	...	"annexed to this Act" ...	.....
[4] * *	* *	* *	* * *	* *
[3] I of 1877...	3, 9, 16, 17 and 25.	...	"of this Act" (each time the words occur).	.....
	9, 10 11, 14, 15, 17, and 18.	...	"hereto annexed" (each time the words occur).	.....
	12	(*b*)	"of this Act"	.....
	19	...	"of this Act" (the first time the words occur).	.....

[1] *See* footnote 1 on page 343 *ante*.

[2] Vol. II of this Code. The entries relating to ss. 44, 47, 50 and 59 of this Act are omitted as they have been repealed or substituted by Bom. Act 3 of 1910, Vol. V of this Code.

[3] Vol. II of this Code.

[4] The entry relating to Bom. Act 3 of 1876 is omitted as the Act has been repealed by Bom. Act 2 of 1906.

[1]*SCHEDULE B to the Bombay General Clauses Act, 1886, (Bom. Act III of 1886)*—contd.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clauses.		
I of 1877—*contd.*	23	(*b*)	"of this Act"	.....
	20 and 24.	...	"of either description within the meaning of the Indian Penal Code" (in each place in which these words occur).	.....
	28	...	"The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to".	.....
	28	...	"and all such fines"	.....
[2] V of 1878	3	3	"means, in Sind, the Commissioner in Sind, and elsewhere a Commissioner of land-revenue, or, if Government appoint any other officer to be a Commissioner for the purposes of this Act, such other officer".	"includes an officer appointed by Government to be a Commissioner for the purposes of this Act".
	„	4	"means a Collector of land-revenue or".	"includes".
	45	...	"of this Act" (each time the words occur).	.....
[3] IV of 1879	3	...	The last three words	.....
	9, 10, 11, 14, 15, 17 and 18.	...	"hereto annexed" (each time the words occur).	.....
	9, 16, 17 and 25.	...	"of this Act" (each time the words occur).	.....
	12	(*b*)	"of this Act"	.....
	19	...	"of this Act" (the first time the words occur).	.....
	20 and 24.	...	"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur).	.....
	23	(*b*)	"of this Act"	.....

[1] *See* footnote 1 on p. 343 *ante*.

[2] Vol. II of this Code. The entry relating to section 50 of this Act is omitted as the section has been subsequently substituted by Bom. Act 12 of 1912.

[3] Vol. II of this Code.

[1] *SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—concld.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
[1] V of 1870	3	2	"of this Act"	.....
	10, 13, 18, 38, 86, 87, 161 and 216.	...	"of this Act" (each time the words occur).	.....
	23	...	"to this Act"	.....
[2] VI of 1879	21 and 34.	...	"of this Act"	.....
[2] VII of 1879	3	5	"means the head revenue officer of a district and".	.....
	57	...	"of this Act"	.....
	61 and 62.	...	"of either description within the meaning of the said Code" (in each place in which these words occur).	.....
	67	...	"of the division"	.....
[2] I of 1880...	3	7	"hereto annexed"	.....
	33	(*b*)	"hereto annexed"	.....
[2] I of 1883...	3, 5 and 8.	...	"of this Act" (each time the words occur).	.....
	3	...	"annexed to this Act" ...	.....
[2] II of 1883	In the preamble.	...	"to this Act"	.....
	4	...	"to this Act"	.....
	17	...	"of this Act" (the first time the words occur).	.....
[2] I of 1884...	2	...	"hereto annexed"	.....

[1] *See* footnote 1 on page 343, *ante*.

[2] Vol. II of this Code. The entries relating to sections 2, 214 and 215 of this Act are omitted as these sections have been repealed or substituted by Bom. Act 4 of 1913.

[3] Vol. II of this Code.

BOMBAY ACT No. III OF 1904.[1]

[*21st June, 1904.*]

An Act to amend the Khoti Settlement Act, 1880.

Bom. Act I of 1880.

WHEREAS it is expedient to amend the [2]Khoti Settlement Act, 1880, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Khoti Settlement Act Amendment Act, 1904.

Bom. Act I of 1880.

Insertion of new clause in section 3.

2. In section 3 of the [2]Khoti Settlement Act, 1880, hereinafter called "the said Act", the following shall be inserted as clause (*11*), namely:—

[*Vol. II of this Code.*]

Repeal of section 13.

3. Section 13 of the said Act is hereby repealed.

Substitution of new sections for sections 17 to 22, both inclusive.

4. For sections 17 to 22, both inclusive, of the said Act, the following shall be substituted, namely:—

[*Vol. II of this Code.*]

Insertion of words in section 27.

5. In the second paragraph of section 27 of the said Act, the following shall be inserted, namely:—

[*Vol. II of this Code.*]

Amendment of section 28.

6. For the first paragraph of section 28 of the said Act, the following shall be substituted, namely:—

[*Vol. II of this Code.*]

Repeal and insertion of words in section 29.

7. In section 29 of the said Act, the words "Except as is hereinafter provided" are hereby repealed, and after the words "every managing khot" there shall be inserted the following, namely:—

"nominated or selected under section 27".

Insertion of a new section after section 31.

8. After section 31 of the said Act, the following new section shall be inserted, namely:—

[*Vol. II of this Code.*]

Amendment of section 33.

9. In section 33 of the said Act, for clause (*c*) the following shall be substituted, namely:—

[*Vol. II of this Code.*]

Amendment of section 39.

10. In section 39 of the said Act, after the word and figures "104, paragraph 2" the figures "109, 110," shall be inserted.

Amendment of section 41.

11. (*1*) In section 41 of the said Act, after the words "a reserved forest" the words "in accordance with the procedure enacted in Chapter II of the VII of 1878. [3]Indian Forest Act, 1878", shall be inserted.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1903, Pt. VII, p. 62; for Report of Select Committee, *see ibid*, 1904, Pt. VII, p. 20; and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 182; *ibid*, 1904, Pt. VII, p. 42.

[2] Vol. II of this Code.

[3] General Acts, Vol. II.

With retrospective effect.

(*2*) The amendment aforesaid shall be deemed to have been made and to have effect from the date of the commencement of the [1] Khoti Settlement Act, 1880. Bom. Act I of 1880.

BOMBAY ACT No. IV OF 1904.[2]

[*4th November, 1904.*]

An Act further to amend the Bombay District Municipal Act, 1901.

WHEREAS it is expedient further to amend the [3] Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act III of 1901.

Insertion of words in section 25, clause (*a*).

1. In section 25, clause (*a*), of the [3] Bombay District Municipal Act, 1901, hereinafter called "the said Act", before the word "sub-section" the words "clause (*a*) of" shall be inserted. Bom. Act III of 1901.

Repeal of a word in section 46, clause (*c*).

2. In section 46, clause (*c*), of the said Act, the word "such", in both places where it occurs, is repealed.

Insertion of a new clause in section 48.

3. After section 48, sub-section (*1*), clause (*e*), of the said Act, the following clause shall be inserted, namely:—

"(*ee*) for defining the standard weights and measures used within the municipal district";

Repeal of words in section 59, proviso (*c*).

4. In section 59, proviso (*c*), of the said Act, the words "of sub-section (*1*)" are repealed.

Substitution of words in section 83, sub-section (*1*), clause (*b*).

5. In section 83, sub-section (*1*), clause (*b*), of the said Act, for the word "to", in the second and third places where it occurs, the word "of" shall be substituted.

Substitution of words in section 84, sub-section (*3*).

6. In section 84, sub-section (*3*), of the said Act, for the word "sale",

(*a*) in the first place where it occurs, the word "notice", and

(*b*) in the second place where it occurs, the word "date",

shall be substituted.

Repeal of words in section 96, sub-section (*6*).

7. In section 96, sub-section (*6*), of the said Act, the words "they may" are repealed.

---

[1] Vol. II of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1903, Pt. VII, p. 47; for Report of Select Committee, *see ibid*, 1904, Pt. VII, pp. 10, 71, and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 129; *ibid*, 1904, Pt. VII, pp. 41, 49 and 144.

Short Title.—"The Bombay District Municipal (Amendment) Act, 1904", *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[3] *Supra.*

8. In section 113, sub-section (*1*), of the said Act, after the word "weather-boards" the word "shop-boards" shall be inserted. Insertion of a word in section 113 sub-section (*1*).

9. To section 122 of the said Act the following sub-section shall be added, namely :— Addition of a sub-section to section 122.

[*Supra.*]

10. In section 174, sub-section (*1*), of the said Act, the word "which", in the second place where it occurs, is repealed. Repeal of a word in section 174, sub-section (*1*).

THE BOMBAY COURT OF WARDS ACT, 1905.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Extent.
2. Definitions.
3. Commissioner to be Court of Wards.
4. Assumption of superintendence by Court of Wards of property of disqualified land-holder or pension-holder.
5. Land-holders or pension-holders to be deemed disqualified in certain cases.
6. Assumption of superintendence where Government officer appointed guardian.
7. Superintendence not to be assumed where guardian appointed except with consent of District Court.
8. Superintendence not to be assumed under section 4 in case of undivided Hindu family unless all co-sharers disqualified; but may be assumed in other cases.
9. Assumption of superintendence by Court of Wards on application of land-holder or pension-holder.
10. Provisions for temporary custody of heirs and protection of property in certain cases.
11. Assumption of superintendence by Court of Wards of person of disqualified land-holder or pension-holder in certain cases.
12. Assumption of superintendence by Court of Wards where land-holder or pension-holder holds land in more than one jurisdiction.

13. Assumption of superintendence to be notified and to extend to whole of Government ward's property.
14. Publication of notice to claimants against Government ward.
15. Power to require claimants to furnish full particulars and documents.
16. Investigation and decision of claims.
17. Execution of decrees to be stayed till certificate filed.
18. Report to Government.
19. Delegation of powers by Court of Wards.
20. Appointment of manager by Court of Wards.
21. Liabilities, etc., of managers appointed by Court of Wards.
Managers and other servants to be deemed public servants.
22. Power of Court of Wards to appoint guardians of certain Government wards.
23. General powers of Court of Wards.
24. Custody, residence and education of certain Government wards.
25. Allowance for Government ward, his family and dependents.
26. Duties of Court of Wards or manager.
27. Power of Court of Wards as to property of Government wards.
28. Power of Court of Wards to evict.
29. Recovery of arrears of rent as arrears of land-revenue.
30. Property under superintendence not liable to sale for arrears.
31. Notice of suit.
32. Manager or Court of Wards to be next friend or guardian in suit by or against Government wards.
33. Payment of costs.
34. Processes against Government ward to be served on next friend or guardian.
35. Authority of Court of Wards required in case of suits brought on behalf of Government wards.
36. Adjudication of civil disputes between two or more Government wards.
37. Disabilities of a Government ward.
38. Consent of Government necessary to wills made by Government wards.
39. Procedure when succession to Government ward's property is disputed.
40. Withdrawal of superintendence of Court of Wards.
41. Appointment of guardian in certain cases.
42. Withdrawal to be notified in Gazette.
43. Appeals.
44. Control of Governor in Council.
44A. Power to compel attendance of witnesses.
45. Bar of suits.
46. Power of Governor in Council to make rules.

BOMBAY ACT No. I OF 1905.[1]

[*3rd June, 1905.*]

An Act to establish a Court of Wards in the Bombay Presidency.

WHEREAS it is expedient to establish a Court of Wards in the Bombay Presidency; Preamble.

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act;

It is hereby enacted as follows:—

1. (*1*) This Act may be called the Bombay Court of Wards Act, 1905. Short title.

(*2*) It shall extend to the whole of the Bombay Presidency, except the City of Bombay and Aden. Extent.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Government ward" shall mean any person of whose property, or of whose person and property, the Court of Wards may, for the time being, have the superintendence under this Act;

(*b*) "land-holder" shall mean,

(*i*) in the case of minors and persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs, a holder as defined in the [3]Bombay Land-Revenue Code, 1879; and

Bom. Act V of 1879.

[4][(*ii*) in all other cases, a zamindar, jagirdar, saranjamdar, inamdar, talukdar, malek and a khot, and any person not hereinbefore specified who is interested in land and whom the Governor in Council has declared on account of the extent and value of his interest to be a land-holder for the purposes of this Act]:

---

[1] For Statement of Objects and Reasons *see* Bombay Government Gazette, 1904, Pt. VII, p. 83; for Report of Select Committee, *see ibid*, 1905, Pt. VII, p. 14, and for Proceedings in Council, *see ibid*, 1904, Pt. VII, pp. 144, 208; *ibid*, 1905, Pt. VII, p. 42.

[2] *See* now the Government of India Act, 1915 (5 and 6 Geo. 5, Ch. 61).

[3] Vol. II of this Code.

[4] This paragraph was substituted by s. 2 (*a*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

provided that no person who permanently resides, or carries on business, or personally works for gain, in the City of Bombay shall be deemed or declared to be a land-holder for the purposes of this Act ;

[1][(*bb*) "pension-holder" shall mean a person lawfully entitled to the whole or a part of a pension or cash-allowance granted or continued by Government on political considerations or of a hereditary pension or cash allowance ;]

(*c*) "District Court" shall include the Court of an Assistant Judge invested, under section 19 of the [2] Bombay Civil Courts Act, 1869, with all the powers of a District Judge ; and Bom. A XIV of 1869.

(*d*) "minor" shall mean a person who, under the provisions of the [3] Indian Majority Act, 1875, is to be deemed not to have attained his majority. IX of 1

Commissioner to be Court of Wards.

3. Subject to the provisions of section 12, the Commissioner shall be the Court of Wards for the limits of his division :

Provided that the Governor in Council may, if he thinks fit, by notification in the Bombay Government Gazette,

(*a*) appoint a special officer to be the Court of Wards for a division in lieu of the Commissioner ; or

(*b*) constitute a Board consisting of the Commissioner and any other officer or officers to be the Court of Wards for a division ; or

(*c*) [4] appoint any other officer or officers to be a Court of Wards for any part of the Bombay Presidency, and direct that such part shall thereupon be excluded from the jurisdiction of the Court of Wards of any division in which it lies wholly or partly.

Assumption of superintendence by Court of Wards of property of disqualified

4. (*1*) The Court of Wards may, with the previous sanction of the Governor in Council, assume the superintendence of the property of any land-holder holding land [5][or of any pension-holder receiving a pension] within the local limits of its jurisdiction who is disqualified to manage his own property :

---

[1] This clause was inserted by s. 2 (*b*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[2] Vol. I of this Code.

[3] General Acts, Vol. II.

[4] For notification appointing the Talukdari Settlement officer to be a Court of Wards for the whole of the area to which the Gujarat Talukdars' Act, 1888 (Bom. Act 6 of 1888), extends, and directing that that area shall be excluded from the jurisdiction of the Commissioner, Northern Division, as Court of Wards of that Division, *see* Bombay Government Gazette, 1908, Pt. I, p. 1474

[5] These words were inserted by s. 3 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

Provided that in the case of a land-holder [1] [or pension-holder] disqualified under clause (*b*) or (*c*) of sub-section (*1*) of section 5 such assumption shall be sanctioned only where the Governor in Council is of opinion that it is expedient in the public interests to preserve the property of such land-holder [1] [or pension-holder] for the benefit of his family, and that the said property is of such value that economical management by the Court of Wards is practicable. land-holder or pension-holder.

(*2*) No sanction given under sub-section (*1*) shall be called in question in any Court, except in the case of a land-holder [1] [or pension-holder] disqualified under section 5, sub-section (*1*), clause (*a*), where proceedings are instituted within three months of the giving of the sanction.

5. (*1*) The following land-holders [2] [or pension-holders] shall, for the purposes of section 4, be deemed to be disqualified to manage their own property, namely:— Land-holders or pension-holders to be deemed disqualified in certain cases.

(*a*) minors;

(*b*) females declared by the District Court, on the application of the Collector and after such judicial inquiry as it thinks necessary, to be unfitted to manage their own property;

(*c*) persons declared by the District Court, on the like application and after the like inquiry, to be incapable of managing, or unfitted to manage, their own property owing to

(*i*) any physical or mental defect or infirmity, or

(*ii*) such habits as cause, or are likely to cause, injury to their property or to the well-being of their inferior holders; and

(*d*) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs.

(*2*) No appeal shall lie from any declaration under clause (*b*) or (*c*) of sub-section (*1*).

6. Where any officer of Government is appointed or declared to be guardian of the property, or of the person and property, of a minor under section 7, sub-section (*1*), of the [3] Guardians and Wards Act, 1890, he shall intimate the fact to the Court of Wards, and the Court of Wards may thereupon, with the previous sanction of the Governor in Council, assume the superintendence of the property, or of the person and property, of such minor. Assumption of superintendence where Government officer appointed guardian.

VIII of 1890.

---

[1] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[2] These words were inserted by s. 4 (*2*), *ibid.*

[3] General Acts, Vol. IV.

Superintendence not to be assumed where guardian appointed except with consent of District Court.

7. The Court of Wards shall not assume the superintendence of the property, or of the person and property, of any minor of whose property, or of whose person and property,

(*a*) a guardian has been appointed by will or other instrument, or

(*b*) a guardian other than an officer of Government has been appointed or declared under section 7, sub-section (*1*), of the [1] Guardians and Wards Act, 1890, VIII of 1890.

except with the previous consent of the District Court.

Superintendence not to be assumed under section 4 in case of undivided Hindu family unless all co-sharers disqualified; but may be assumed in other cases.

8. (*1*) The Court of Wards shall not assume under section 4, sub-section (*1*), the superintendence of the property of any family which is undivided according to Hindu law, except where all the co-sharers are disqualified under sub-section (*1*) of section 5 [2][or where all the co-sharers other than those who are disqualified under sub-section (*1*) of section 5 agree to the Court of Wards assuming such superintendence].

(*2*) Where two or more land-holders [3][or pension-holders] are co-sharers otherwise than as co-sharers in a family which is undivided according to Hindu law and one of such co-sharers is disqualified under sub-section (*1*) of section 5, the Court of Wards [4][may assume the superintendence of the undivided share of such disqualified land-holder [5][or pension-holder] or] may obtain partition on behalf of the disqualified land-holder [5][or pension-holder] by suit or otherwise, and assume the superintendence of the property allotted to such land-holder [5][or pension-holder] in the partition.

Assumption of superintendence by Court of Wards on application of land-holder or pension-holder.

9. (*1*) Any land-holder [5][or pension-holder] may apply in writing to the Governor in Council to have his property placed under the superintendence of the Court of Wards, and the Governor in Council may on such application, where he is of opinion that it is expedient in the public interests to preserve the property of such land-holder [5][or pension-holder] for the benefit of his family and that the said property is of such value that economical management by the Court of Wards is practicable, order the Court of Wards to assume the superintendence of the property.

---

[1] General Acts, Vol. IV.

[2] These words were inserted by s. 5 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[3] These words were inserted by s. 4 (*2*) *ibid.*

[4] These words were inserted by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[5] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[1] [(*1A*) Any co-sharer of property, other than a co-sharer in a family undivided according to Hindu law, may make an application under sub-section (*1*) in respect of his own share in such property.]

(*2*) [2] [In every case where property is held by co-sharers, whether as co-shares in a family undivided according to Hindu law or otherwise] an application signed by co-shafers holding an aggregate interest of not less than three-fourths of the whole property shall, for the purposes of sub-section (*1*), be deemed to be an application by a land-holder [3][or pension-holder] in respect of [4][the whole property] :

Provided, *firstly*, that no order shall be made [5][on any such application] under sub-section (*1*) where it appears to the Governor in Council doubtful whether the aggregate interest of the co-sharers signing [6][the] application amounts to not less than three-fourths of the whole property ; and

Provided, *secondly*, that nothing in this Act shall be deemed to prevent any co-sharer other than those signing any such application from obtaining partition of his share, whether by suit or otherwise.

(*3*) An order made under sub-section (*1*) shall be sufficient to authorize the Court of Wards to assume the superintendence of the property referred to therein, and no such order shall be called in question in any Court.

Provisions for temporary custody of heirs and protection of property in certain cases.

10. (*1*) Whenever the Collector receives information that any land-holder [3][or pension-holder] is, or should be, disqualified under sub-section (*1*) of section 5, or that any land-holder [3][or pension-holder] has died and that his heir is, or should be, so disqualified, he may apply to the District Court and the District Court may authorize the Court of Wards to

(*a*) take such steps and make such order for the temporary custody and protection of the property as the Court of Wards thinks fit ; and

(*b*) where the land-holder [3][or pension-holder] or heir is a minor, direct that the person (if any) having the custody of the minor shall

---

[1] This sub-section was inserted by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[2] These words were substituted for the words "Where property is held by co-sharers in undivided shares" by *ibid.*

[3] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[4] These words were substituted for the words "such property" by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[5] These words were inserted by *ibid.*

[6] This word was substituted for the words "any such" by *ibid.*

produce him or cause him to be produced at such place and time and before such person as the Court of Wards may appoint, and make such order for the temporary custody and protection of the minor as the Court of Wards thinks fit:

Provided that, where the minor is a female and belongs to a class the females of which do not usually appear in public, her production shall be required only in accordance with the manners and customs of the country.

(*2*) Whenever the Court of Wards is authorized to proceed under sub-section (*1*) it shall forthwith report its action for the information of the Governor in Council.

(*3*) No appeal shall lie from any order of authorization under sub-section (*1*), except in the case of a land-holder [1][or pension-holder] disqualified under section 5, sub-section (*1*), clause (*a*).

Assumption of superintendence by Court of Wards of person of disqualified land-holder or pension-holder in certain cases.

11. Where the Court of Wards assumes the superintendence of the property of any land-holder [or pension-holder] disqualified under clause (*a*) or (*d*) of section 5, sub-section (*1*), it may, with the previous sanction of the Governor in Council, assume the superintendence of his person also:

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who is married and is in the custody of her husband.

Assumption of superintendence by Court of Wards where land-holder or pension-holder holds land in more than one jurisdiction.

12. Where a disqualified land-holder [1][or pension-holder] or a land-holder [1][or pension-holder] who has been made a Government ward in pursuance of an order under section 9, sub-section (*1*), holds land [2][or receives a pension] within the territorial jurisdiction of two or more Courts of Wards such one only of the Courts of Wards as the Governor in Council may determine in this behalf shall assume the superintendence of the property, or of the person and property, of the land-holder [1][or pension-holder.]

Assumption of superintendence to be notified and to extend to whole of Government ward's property.

13. (*1*) Whenever the Court of Wards assumes the superintendence of the property of any land-holder [1][or pension-holder] under this Act, the fact of such assumption, and the date on which it was sanctioned by the Governor in Council, shall be notified in the Bombay Government Gazette and in such

[1] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[2] These words were inserted by s. 4 (*3*) of *ibid.*

other manner as the Governor in Council may, by general or special order, direct.

(*2*) On and with effect from the date of such sanction, the whole of the property, moveable and immoveable, of such land-holder [1] [or pension-holder], whether the existence of any such property is known to the Court of Wards or not, shall be deemed to be under the superintendence of the Court of Wards.

(*3*) Any property which the Government ward may inherit or acquire by succession subsequently to the date of such sanction shall also be deemed to be under the superintendence of the Court of Wards.

(*4*) The Court of Wards may, in its discretion, assume, or refrain from assuming, the superintendence of any property which the Government ward may acquire otherwise than by inheritance or succession subsequently to the date of such notification.

Publication of notice to claimants against Government ward.

14. (*1*) On the issue of a notification under section 13, sub-section (*1*), the Court of Wards shall publish in the Bombay Government Gazette, and in such other manner as the Governor in Council may, by general or special order, direct, a notice, in English and also in the vernacular, calling upon all persons having claims against the Government ward or his property to submit the same in writing to it within six months from the date of the publication of the notice.

(*2*) Where the Court of Wards is satisfied that any claimant was unable to comply with the notice published under sub-section (*1*), it may allow his claim lobe submitted at any time after the date of the expiry of the period fixed therein ; but any such claim shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of such period until submission.

(*3*) Every claim against the Government ward or his property (other than a claim on the part of Government) not submitted to the Court of Wards in compliance with the notice published under sub-section (*1*), or allowed to be submitted under sub-section (*2*), shall, save in the cases provided for by section 18, sub-section (*2*), clause (*c*), and by sections 7 and 13 of the [2] Indian Limitation Act, 1877, be deemed for all purposes and on all occasions, whether during the continuance of the superintendence or afterwards, to have been duly discharged, unless, in any suit or proceeding instituted by the claimant, or by any person claiming under him, in respect of any such claim,

[1] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[2] *See* now the Indian Limitation Act, 1908 (9 of 1908), General Acts, Vol. VI.

it is proved to the satisfaction of the Court that he was unable to comply with the notice published under sub-section (*1*).

Power to require claimants to furnish full particulars and documents.

15. (*1*) The Court of Wards may by written order require that any claimant submitting his claim shall, within such reasonable time as it may prescribe in such order, furnish full particulars thereof, and produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document:

Provided that, where the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the Court of Wards, a certified copy of the decree and a certificate from the Court which passed or is executing the same declaring the amount recoverable thereunder, or a true copy of the award and statement of the sum recoverable thereunder, as the case may be; and where the claim is pending adjudication in any Court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy of the plaint, or a true copy of the reference to arbitration, as the case may be.

(*2*) The Court of Wards shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(*3*) Where any document, which is in the possession or under the control of a claimant, is not produced by him in accordance with an order under sub-section (*1*), the document shall not be admissible in evidence against the Government ward, whether during the continuance of the superintendence or afterwards, in any suit bought by such claimant, or by any person claiming under him, in respect of any claim to which such document relates, unless it is proved to the satisfaction of the Court that he was unable to produce such document as required by such order.

Investigation and decision of claims.

16. (*1*) On receipt of all claims submitted in compliance with the provisions of sections 14 and 15, the Court of Wards shall proceed to investigate such claims and shall decide, subject to the provisions of sub-section (*3*), which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned.

(*2*) Where the Court of Wards has admitted any claim under sub-section (*1*), it may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and if such proposal, or any modification of it, is accepted by the claimant, and his

acceptance is finally recorded and attested by the Court of Wards or by any Revenue-officer not below the rank of an Assistant or Deputy Collector whom the Governor in Council may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant:

Provided that if, when the superintendence of the property by the Court of Wards is withdrawn, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (*1*) as the unsatisfied portion bears to the reduced claim.

(*3*) Subject to the provisions of sub-section (*2*), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a Government ward or his property which has been duly submitted to the Court of Wards:

Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.

Execution of decrees to be stayed till certificate filed.

17. (*1*) On the publication of a notice under section 14, sub-section (*1*), no proceeding in execution of any decree against the Government ward or his property shall be instituted or continued until the decree-holder files a certificate from the Court of Wards that the decree-claim has been duly submitted, or until the expiration of one month from the date of receipt by the Court of Wards of a written application for such certificate, accompanied by a certified copy of a decree.

(*2*) Any person holding a decree against the Government ward or his property shall be entitled to receive from the Court of Wards, free of cost, the certificate required by sub-section (*1*).

(*3*) In computing the period of limitation prescribed by the [1] Indian Limitation Act, 1877, or by section 230 of the [2] Code of Civil Procedure, for any application for the execution of a decree, proceedings in which have been stayed or temporarily barred by reason of the claim not having been duly submitted, the time from the date of the notice published under section 14, sub-section (*1*) or of the decree if it was passed subsequently to the publication of the notice, to the date of due submission shall be excluded.

Report to Government.

18. (*1*) When all claims have been investigated under section 16, the Court of Wards shall submit to the Governor in Council a schedule of the debts and liabilities of the Government ward, and the Governor in Council may, where the property appears to be involved beyond all hope of extrication, or for any other sufficient reason, by order published in the Bombay Government

[1] *See* now the Indian Limitation Act, 1908 (9 of 1908), General Acts, Vol. VI.

[2] *See* now the Code of Civil Procedure, 1908 (5 of 1908), General Acts, Vol. VI.

Gazette, direct that, on a date to be fixed by the order, the superintendence of the property, or of the person and property, of the Government ward by the Court of Wards shall be withdrawn.

(2) On the date so fixed

(*a*) the superintendence shall terminate;

(*b*) the owner of the property under superintendence shall be restored to the possession thereof, subject to any contracts entered into by the Court of Wards for the preservation or benefit of such property; and

(*c*) the claims referred to in section 14, sub-section (*3*), shall revive.

(*3*) In calculating the periods of limitation applicable to suits to recover and enforce claims revived under sub-section (*2*), clause (*c*), the time during which such superintendence has continued shall be excluded.

Delegation of powers by Court of Wards.

19. (*1*) With the general or special sanction of the Governor in Council, the Court of Wards may, from time to time, delegate all or any of its powers to the Collector of any district in which any part of the property of a Government ward is situated, or to any other officer not below the rank of an Assistant or Deputy Collector whom it may appoint in this behalf, and may, at any time, with the like sanction, revoke such delegation.

(*2*) Subject to any general or special orders of the Governor in Council, the Court of Wards may exercise all or any of the powers conferred on it by this Act through the Collector of any district in which any part of the property of a Government ward is situated, or through any other officer not below the rank of an Assistant or Deputy Collector whom it may appoint in this behalf, and, subject to the like orders, any such Collector or Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue-officer subordinate to him not below the rank of a Mahalkari.

Appointment of manager by Court of Wards.

20. The Court of Wards may appoint a manager of the property of any Government ward under its superintendence.

Liabilities, etc., of managers appointed by Court of Wards.

21. (*1*) Every manager appointed by the Court of Wards shall—

(*a*) give such security, with such sureties (if any), as the Court of Wards thinks fit for the due discharge of the trusts of his office, and for the due account of all property and moneys which come into his control or possession by reason of his office;

(*b*) be entitled to such allowance as the Court of Wards thinks fit for his care and pains in the execution of his duties; and

(*c*) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence; and every such loss shall be recoverable from him and from his sureties (if any) as an arrear of land-revenue.

Managers and other servants to be deemed public servants.

(*2*) Every manager or other servant of the Court of Wards shall be deemed to be a "public servant" within the meaning of Chapter IX of the Indian Penal Code; and, in the definition of "legal remuneration" contained in section 161 of the said Code, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards.

XLV of 1860.

Power of Court of Wards to appoint guardians of certain Government wards.

22. (*1*) The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are, for the time being, under its superintendence.

(*2*) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the [2] Guardians and Wards Act, 1890.

VIII of 1890.

General powers of Court of Wards.

23. Subject to the provisions of this Act and of any rules thereunder, the Court of Wards

(*a*) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper care and management of any property of which it assumes the superintendence under this Act, as the owner of the property, if it was not under the superintendence of the Court of Wards, might do for its proper care and management; and

(*b*) may, of itself or through the guardian (if any) appointed by it under this Act, do, in respect of the person of any Government ward whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

Custody, residence and education of certain Government wards.

24. The Court of Wards may pass such orders as it thinks fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, where he is a minor, in respect of his education.

Allowance for Government ward, his family and dependents.

25. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependents.

---

[1] General Acts, Vol. I.

[2] General Acts, Vol. IV.

Duties of Court of Wards or manager.

26. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own.

Power of Court of Wards as to property of Government wards.

[1] [**27.** The Court of Wards may sell, exchange, mortgage, charge or let the property of a Government ward, and may do all such things as it may judge to be best for the benefit of the property and the advantage of the Government ward: Provided that—

(*a*) the previous sanction of the Governor in Council shall be required to any sale, exchange or mortgage of, or charge on, immoveable property and to any lease of such property for a term exceeding ten years, and

(*b*) where one-fourth of the immoveable property of a Government ward has been sold or exchanged no further sale or exchange shall be made.]

Power of Court of Wards to evict.

28. The Court of Wards may summarily evict in the manner specified in section 202 of the [2] Bombay Land-Revenue Code, 1879, any person occupying, or in possession of, any immoveable property under its superintendence, to the use and occupation of which he has ceased to be entitled under any of the provisions of that Code, or which he uses or occupies in contravention of any of the provisions of this Act. Bom. Act V of 1879.

Recovery of arrears of rent as arrears of land-revenue.

[3] [**29.** For the purpose of the recovery of rents, profits and other sums due in respect of property under the superintendence of the Court of Wards (whether such arrears become due before or after the assumption of such superintendence) the Court of Wards shall have all the powers possessed by a Collector under the law for the time being in force for the recovery of land-revenue due to Government, including the power conferred by section 176 of the [2] Bombay Land-Revenue Code, 1879.] Bom. Act V of 1879.

---

[1] This section was substituted by s. 6 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[2] Vol. II of this Code.

[3] This section was substituted by s. 7 of the Bombay Court of Wards (Amendment) Act 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

Property under superintendence not liable to sale for arrears.

30. No immoveable property under the superintendence of the Court of Wards shall be liable to sale on account of arrears of land-revenue :

Provided that all such arrears of land-revenue shall be the first charge upon the sale-proceeds of any such property which may be sold for any other cause than for arrears of land-revenue.

Notice of suit.

31. No suit relating to the person or property of any Government wards shall be brought in any Civil Court until the expiration of two months after notice in writing stating the name and place of abode of the intending plaintiff, the cause of action and the relief claimed, has been delivered to, or left at the office of, the Court of Wards ; and the plaint shall contain a statement that such notice has been so delivered or left :

Provided that notice under this section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of a notification issued under section 13, sub-section (*1*).

Manager or Court of Wards to be next friend or guardian in suit by or against Government wards.

32. Subject to the provisions of the second paragraph of section 440 of the [1] Code of Civil Procedure, in every suit brought by or against a Government ward, the manager of the Government ward's property, or, where there is no manager, the Court of Wards having the superintendence of the Government ward's property, shall be named as the next friend or guardian for the suit, as the case may be.

Payment of costs.

33. Where, in any suit brought by or against a Government ward, any Civil Court decrees any costs against the Government ward's next friend or guardian for the suit, the Court of Wards shall cause the costs to be paid out of any property of the Government ward which may, for the time being, be in its hands.

Processes against Government ward to be served on next friend or guardian.

34. Every process which may be issued out of any Civil or Revenue Court against any Government ward shall be served on the Government ward's next friend or guardian for the suit.

Authority of Court of Wards required in case of suits brought on behalf of Government wards.

35. No suit shall be brought, and no appeal in any suit shall be preferred, by any guardian or manager appointed by the Court of Wards on behalf of any Government ward unless it is authorised by an order in writing of the Court of Wards :

[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

Provided that a manager may authorize a plaint or a memorandum of appeal to be filed in order to prevent a suit or appeal from being barred by the law of limitation, but the suit or appeal shall not afterwards be proceeded with except with the sanction of the Court of Wards.

Adjudication of civil disputes between two or more Government wards.

36. (*1*) Where any question arises as between two or more Government wards of such a nature that an adjudication upon it by a Civil Court is expedient, it shall be lawful for the Court of Wards, acting through the Collector of the district in which a case might have been stated for the opinion of the Civil Court with regard to such matter under section 527 of the [1] Code of Civil Procedure, to file in the Civil Court having jurisdiction a statement containing the point or points for determination.

(*2*) When such statement has been filed, the Court shall appoint a guardian for the suit for each ward having a separate interest, and such guardians shall thereupon conduct the case subject to the general control of the Court of Wards.

(*3*) The Court may, if it thinks fit, amend the case so stated and shall then proceed to hear and dispose of the case in the manner provided in Chapter XXXVIII of the [1] Code of Civil Procedure for the hearing and disposal of cases stated for opinion under that Chapter.

Disabilities of a Government ward.

37. (*1*) Except with the approval of the Court of Wards, a Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof (except such interest as may be created by a will made in accordance with section 38), or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any Civil Court whereby to charge any person upon any promise made after he has ceased to be a Government ward to pay any debt contracted during the period when he was a Government ward, or upon any ratification made after he has ceased to be a Government ward of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

(*2*) Nothing in this section shall be deemed to affect the capacity of a Government ward to enter into a contract of marriage:

Provided that a Government ward shall not incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

---

[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908), Genl. Acts, Vol. VI.

38. No will made by a Government ward shall be valid without the consent of the Governor in Council obtained, either previously or subsequently to the making of the will, on application made to him through the Court of Wards : Consent of Government necessary to wills made by Government wards.

Provided that consent shall not be withheld unless it appears to the Governor in Council that the will is contrary to the personal or special law applicable to the ward, or that it is likely to cause considerable pecuniary embarrassment to the property, or to lower considerably the influence or respectability of the family in public estimation.

39. Where, on the death of any Government ward, the succession to his property or any part thereof is disputed, the Court of Wards may, with the sanction of the Governor in Council, either retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court, or institute a suit of interpleader against all the claimants. Procedure when succession to Government ward's property is disputed.

40. (*1*) Where superintendence has been assumed in pursuance of an order under section 9, sub-section (*1*), the Court of Wards shall withdraw such superintendence as soon as, in the opinion of the Governor in Council, the property is free from embarrassment. Withdrawal of superintendence of Court of Wards.

(*2*) The Court of Wards may, with the sanction of the Governor in Council, at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as, in the opinion of the District Court, certified to the Court of Wards,

(*a*) in the case of a person disqualified under clause (*a*) of sub-section (*1*) of section 5, he attains or has attained his majority ;

(*b*) in the case of a female disqualified under clause (*b*) of the same sub-section, she is fit to manage her own property ;

(*c*) in the case of a person disqualified under clause (*c*) of the same sub-section, he is fit to manage his own property ;

(*d*) in the case of a person disqualified under clause (*d*) of the same sub-section, he ceases to be of unsound mind and incapable of managing his affairs ; and

(*e*) where it was assumed under section (4) sub-section (*1*), in the case of a family which was undivided according to Hindu law, any co-sharer ceases to be disqualified under sub-section (*1*) of section 5 :

Provided, *firstly*, that

(*i*) where a Government ward dies or ceases to be disqualified and his property is still encumbered with debts and liabilities, the Court of Wards may, with the sanction of the Governor in Council,

retain the said property under its superintendence until such debts and liabilities have been discharged ; and

(*ii*) in the case of land-holders [1] [or pension-holders], [2] [who are co-sharers in a family which is undivided according to Hindu law] where one or more of the proprietors of a property remain disqualified although another or others have ceased to be disqualified, the Court of Wards may, with the sanction of the Governor in Council, retain the whole of the property under its superintendence, paying any proprietor who has ceased to be disqualified [3] [from surplus income such portion as shall be proportionate to his interest in the estate] ;

Provided, *secondly*, that, where the Court of Wards withdraws its superintendence, such withdrawal shall not affect any contract entered into by the Court of Wards in the lawful exercise of its powers ; and

Provided, *thirdly*, that

(*a*) no person who has once been declared disqualified under clause (*b*) or (*c*) of sub-section (*1*) of section 5, and

(*b*) except in the case of any co-sharer other than those signing an application described in section 9, sub-section (*2*), no land-holder [4] [or pension-holder] who has been made a Government ward in pursuance of an order under section 9, sub-section (*1*),

shall be competent, on the withdrawal of such superintendence, to transfer or create any charge on or interest in his property or any part thereof for a period beyond the term of his natural life, except with the previous sanction of the Collector.

(*3*) No appeal shall lie from any opinion certified under sub-section (*2*).

Appointment of guardian in certain cases.

41. (*1*) Where, in exercise of the power conferred by section 40, the Court of Wards decides to withdraw its superintendence from the person or property, or both, of any minor, it shall, before such withdrawal, by an order in writing, appoint some person to be guardian of the person or property, or both, of the minor, and such appointment shall take effect from the date of such withdrawal.

---

[1] These words were inserted by s. 4 (*2*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[2] These words were substituted for the words " referred to in section 8, sub-section (*2*) " by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[3] These words were substituted for the words "the surplus income accruing from his share of the estate " by *ibid.*

[4] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

VIII of 1890.

(2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the [1]Guardians and Wards Act, 1890; and every guardian so appointed shall have, and be subject to, the same rights, duties and liabilities as if he had been appointed under that Act.

Withdrawal to be notified in Gazette.

42. Where the Court of Wards withdraws its superintendence from any person or property under this Act, the fact of such withdrawal shall be notified in the Bombay Government Gazette and in such other manner as the Governor in Council may, by general or special order, direct.

Appeals.

43. (1) An appeal shall lie from every order, other than an order of the District Court, passed under this Act, whether original or on appeal,

(*a*) where the order is that of a Commissioner, or of any special or other officer appointed, or Board constituted, under the proviso to section 3, to the Governor in Council;

(*b*) where the order is that of a Collector, to the Commissioner, or where any such officer or Board has jurisdiction, to such officer or Board; and

(*c*) in all other cases, to the Collector:

[2][Provided that where any such officer or Board has been appointed to be Court of Wards and the order has been passed by any officer subordinate to such Court of Wards for the purposes of this Act, the Governor in Council may direct that appeals shall lie to such officer or Board.]

Bom. Act V of 1879.

(2) The provisions of sections 205 to 210, both inclusive, of the [3]Bombay Land-Revenue Code, 1879, shall apply to all such appeals.

Control of Governor in Council.

44. All orders or proceedings under this Act, other than orders or proceedings of the District Court, shall be subject to the supervision and control of the Governor in Council; and the Governor in Council may, if he thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

Power to compel attendance of witnesses.

[4][**44A.** For the purposes of this Act, the Court of Wards may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.]

---

[1] General Acts, Vol. IV.

[2] This proviso was added by s. 8 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

[3] Vol. II of this Code.

[4] This section was inserted by s. 9 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act 2 of 1913), Vol. V of this Code.

Bar of suits.

45. No suit shall be brought in any Civil Court in respect of the exercise of any discretion conferred by this Act, or against the Court of Wards or any public servant or person duly appointed or authorized under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder :

Provided, *firstly*, that any person evicted under section 28 may sue for restitution ; and

Provided, *secondly*, that any tenant from whom an arrear of rent has been recovered under section 29 may sue for recovery of the amount, or any part thereof, so recovered.

Power of Governor in Council to make rules.

46. (*1*) The Governor in Council may, by notification published in the Bombay Government Gazette, make rules to carry out the purposes and objects of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may

(*a*) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration ;

(*b*) regulate the form, conditions and amount of security, and the number of sureties (if any), to be given by managers ;

(*c*) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the Governor in Council ;

(*d*) prescribe the accounts and other returns, and the form and other particulars thereof, which shall be rendered to the Court of Wards and by the Court of Wards to the Governor in Council ;

(*e*) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward ;

(*f*) regulate the procedure in inquiries by, and in appeals from orders of the Court of Wards ;

(*g*) prescribe the mode in which powers delegated to managers are to be notified for the information of persons concerned ;

(*h*) prescribe the mode in which any expenses incurred by the Court of Wards or the Collector under any power conferred by this Act may be recovered ; and

(*i*) generally prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed.

BOMBAY ACT No. II OF 1905. [1]

[*28th June, 1905.*]

An Act further to amend the [2] Gujarat Taluqdars' Act, 1888.

WHEREAS it is expedient further to amend the [2] Gujarat Taluqdars' Act, Bom. Act VI of 1888. 1888, in manner hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3] Indian Councils Act, 1892, has been obtained for the passing of this Act ;

It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Gujarat Taluqdars' (Amendment) Act, 1905.

Addition of words to section 2, sub-section (*1*), clause (*a*). **2.** (*1*) To section 2, sub-section (*1*), clause (*a*), of the Gujarat Taluqdars' Act, 1888, hereinafter called "the said Act", the following words shall be added, namely : - "and a mulgameti who holds land directly from Government". Bom. Act VI of 1888.

(*2*) Sub-section (*1*) shall be deemed to have come into force on the 25th day of March, 1889 :

Provided that nothing in section 31 of the said Act shall be deemed to apply to any incumbrance or alienation made by such a mulgameti before the passing of this Act, except where his estate has been taken under management by a Government officer under the said Act.

Amendments of section 28. **3.** (*1*) Section 28 of the said Act shall be renumbered section 28, sub-section (*1*).

(*2*) For the words "between the taluqdar and the Taluqdari Settlement-officer or other officer aforesaid", and the proviso in the said sub-section, the following sub-section shall be substituted, namely :—

[*Vol. III of this Code.*]

Insertion of sections after section 29. **4.** After section 29 of the said Act the following sections shall be inserted, namely :—

[*Vol. III of this Code.*]

Addition of words to section 31, sub-section (*1*). **5.** To section 31, sub-section (*1*), of the said Act the following words shall be added, namely :—

[*Vol. III of this Code.*]

Insertion of new clause in section 33, sub-section (*2*). **6.** In section 33, sub-section (*2*) of the said Act, after clause (*c*) the following clause shall be inserted, namely :—

"(*cc*) to section 79A, clause (*a*), the following words shall be added, namely : 'which he uses or occupies in contravention of any of the provisions of the Gujarat Taluqdars' Act, 1888, or'."

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1904, Pt. VII, p. 196 ; for Report of Select Committee, *see ibid*, 1905, Pt. VII, p. 8, and for Proceedings in Council, *see ibid*, 1904, Pt. VII, p. 206 ; *ibid*, 1905, Pt. VII, p. 78*h*.

[2] Vol. III of this Code.

[3] *See* now the Government of India Act, 1915 (5 and 6 Geo. 5, ch. 61).

BOMBAY ACT No. III OF 1905.[1]

[*27th September, 1905.*]

An Act further to amend the Bombay Abkari Act, 1878.

WHEREAS it is expedient further to amend the Bombay Abkari Act, 1878, as amended by the Bombay Abkari Act Amendment Act, 1892, in manner hereinafter appearing; It is hereby enacted as follows :—

Insertions in section 18A, sub-section (2).

1. In sub-section (*2*) of section 18A of the [2]Bombay Abkari Act, 1878, as amended by the [3]Bombay Abkari Act Amendment Act, 1892, Bom. Act V of 1878. Bom. Act III of 1892.

(*a*) before the word "Thana" the words "Broach, Nasik (except the taluka of Peint)", and

(*b*) after the word "Kolaba" the words "and of the talukas of Pardi, Bulsar and Chikhli of the district of Surat"

shall be inserted.

BOMBAY ACT No. IV OF 1905.[4]

[*6th October, 1905.*]

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient to amend the enactments specified in the first schedule to this Act; and to repeal the enactments specified in the second schedule to this Act; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Repealing and Amending Act, 1905.

Amendment of certain enactments.

2. (*1*) The enactments specified in the first schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

(*2*) The amendment of the [5]Bombay General Clauses Act, 1904, shall be deemed to have come into force on the 30th May, 1904. Bom. Act I of 1904.

Repeal of certain enactments.

3. The enactments specified in the second schedule are hereby repealed to the extent mentioned in the fourth column thereof.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1905, Pt. VII, p. 7, and for Proceedings in Council, *see ibid*, 1905, Pt. VII, pp. 78*l* and 395.

Short Title.—"The Bombay Abkari (Amendment) Act, 1905," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[2] Vol. II of this Code.

[3] Vol. III of this Code.

[4] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1905, Pt. VII, p. 5, for Report of Select Committee, *see ibid*, 1905, Pt. VII, p. 29, and for Proceedings in Council, *see ibid*, 1905, Pt. VII, pp. 78*k* and 395.

[5] *Supra.*

THE FIRST SCHEDULE.

1.	2	3	4
Year.	No.	Short title.	Amendments.
1867	VIII	The [1] Bombay Village Police Act, 1867.	To the proviso to the second paragraph of section 9 *add the words* or, if he is an officiator under the provisions of the Bombay Hereditary Offices Act, of Government.
1878	V	The [1] Bombay Abkari Act, 1878.	In section 45, clauses (*c*) and (*e*), *for the words* commits any act *the words* wilfully does or omits to do any thing *shall be substituted.*
1879	V	The [1] Bombay Land-Revenue Code, 1879.	To section 2, clause (1), *add the words* and for the purposes of sections 25 and 26 includes a village officer appointed or officiating under any of the provisions of the Bombay Hereditary Offices Act or the Matadars Act, 1887. In section 38, *for the word* Commissioner *wherever it occurs, substitute the word* Collector. To the heading above section 40, *add the symbol* "&c." In section 43, (*a*) *after the word* remove, *insert the words* from his holding, (*b*) *after the words* natural product, *where they first occur, insert the words* whether of the like description or not. In section 52, as amended by section 4 of the Bombay Land-Revenue Code Amendment Act, 1901, *for the word* or, *where it first occurs, substitute the word* and. In section 80, *for the words* for the Collector to *substitute the words* the Collector shall on due tender thereof. In section 187, *after the words* in force, *in the second place where they occur, insert the words* or by any contract with the Secretary of State for India in Council. In section 214, clause (*c*), *after the word* may *insert the words* or may not. In section 214, clause (*i*), *after the word* generally *insert the words* for carrying out the purposes and objects of this Act, and.

[1] Vol. II of this Code.

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Short title.	Amendments.
1879	V	The [1] Bombay Land-Revenue Code, 1879—*contd.*	In Schedule B (*a*) *to the Form of Bond to be required under section 23, add the following proviso, namely*:— [Vide Vol. II of this Code.] *and* (*b*) *in the Form of Security to be subjoined to the Bond of the Principal for the word* such *substitute the words* the sum of rupees, in which the abovesaid has bound himself, or such smaller.
1902	IV	The [2] City of Bombay Police Act, 1902.	In section 44, *for the word* persons *substitute the word* person.
1903	IV	The [3] Bombay Land Record-of-rights Act, 1903.	In section 8, *after the words* furnish the information *insert the words* or produce the documents.
1904	I	The [2] Bombay General Clauses Act, 1904.	In the schedule, *after the words* the whole, *where they first occur, the words* except so much of Schedule B as relates to unrepealed enactments *shall be inserted.*

THE SECOND SCHEDULE.

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
1879	V	The [1] Bombay Land-Revenue Code, 1879.	In section 144, *the words* subject to the orders of the Commissioner.
1890	II	The [4] Bombay Salt Act, 1890.	In section 58, *the figure* (1).
1899	III	The [5] Government Occupants (Sind) Act, 1899.	In section 6, *the figure* 1).

[1] Vol. II of this Code.
[2] *Supra.*
[3] Repealed by s. 2 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.
[4] Vol. III of this Code.

BOMBAY ACT No. V OF 1905.[1]

[*12th December, 1905.*]

An Act further to amend the [2] City of Bombay Municipal Act, 1888.

WHEREAS it is expedient further to amend the [2] City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the City of Bombay Municipal (Amendment) Act, 1905.

Bom. Act III of 1888. Substitution of a clause for section 3, clause (*u*). **2.** For clause (*u*) of section 3 of the [2] City of Bombay Municipal Act, 1888, hereinafter called "the said Act", the following clause shall be substituted, namely :—

[*Vol. III of this Code.*]

Addition of a proviso to clause (*j*) of sub-section (*2*) of section 26. **3.** To clause (*j*) of sub-section (*2*) of section 26 of the said Act the following proviso shall be added, namely :—

[*Vol. III of this Code.*]

Amendments in section 28. **4.** (*1*) For clause (*c*) of section 28 of the said Act, the following clause shall be substituted, namely :—

[*Vol. III of this Code.*]

(*2*) In clause (*m*) of the said section, for the words "to any such challenge to appear, within three days after the poll, before the Commissioner" the following words shall be substituted, namely :—

[*Vol. III of this Code.*]

(*3*) In clause (*p*) of the said section

(*a*) for the words "the Commissioner shall" the following words shall be substituted, namely :—

"The Commissioner shall, as soon as may be, declare the results of the poll, specifying the total number of valid votes given for each candidate. He shall also"; and

(*b*) for the words "and cause lists to be prepared of the valid votes given for each candidate" the following words shall be substituted, namely :—

[*Vol. III of this Code.*]

Amendments in section 33. **5.** (*1*) In sub-section (*1*) of section 33 of the said Act,

(*a*) for the word "eight" the word "fifteen" shall be substituted; and

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1905, Pt. VII, p. 329; for Report of Select Committee, *see ibid*, 1905, Pt. VII, p. 523, and for Proceedings in Council, *see ibid*, 1905, Pt. VII, pp. 408 and 563.

[2] Vol. III of this Code.

(*b*) after the word "Court" the following words shall be added, namely :—

[*Vol. III of this Code.*]

(*2*) In sub-section (*2*) of the said section, after the words "he shall confirm the declared result of the election" the following words shall be substituted for the remainder of the sub-section, namely :—

[*Vol. III of this Code.*]

Substitution of a sub-section for section 68, sub-section (*2*).

6. For section 68, sub-section (*2*), of the said Act the following sub-section shall be substituted, namely :—

[*Vol. III of this Code.*]

Insertion of words in section 77, sub-section (*2*), clause (*d*).

7. To clause (*d*) of sub-section (*2*) of section 77 of the said Act the following words shall be added, namely :—"and, after approved service of not less than seven years to a sum not exceeding rupees twelve hundred."

Insertion of words in section 118, clause (*c*).

8. In clause (*c*) of section 118 of the said Act,

(*a*) after the words "salaries," the words "joining-time allowances" shall be inserted, and

(*b*) after the word "Act" the words "and of any officer whose services may, at the request of the corporation, be placed by Government at their disposal" shall be added.

Addition of a sub-section to section 120.

9. To section 120 of the said Act the following sub-section shall be added, namely :—

[*Vol. III of this Code.*]

Insertion of words in section 220.

10. In section 220 of the said Act, before the word "belonging" the words "vesting in or" shall be inserted.

Insertion of a section after section 220.

11. After section 220 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

Amendments in section 221.

12. (*1*) Section 221 of the said Act shall be re-numbered section 221, sub-section (*1*).

(*2*) After the said sub-section, the following sub-section shall be inserted, namely :—

[*Vol. III of this Code.*]

Repeal of section 226.

13. Section 226 of the said Act is hereby repealed.

Insertion of words in sections 228, 229, 230, 233, 236 and 239.

14. (*1*) In sections 228, 229, 230, sub-section (*1*), 233, sub-section (*1*), and 236 of the said Act, after the words "municipal drain", the words "or other place legally set apart for the discharge of drainage" and

in section 239 of the said Act, after the words " municipal drains " the words " or other places legally set apart for the discharge of drainage " shall be inserted.

(*2*) In section 233, sub-section (*2*), of the said Act, after the words " municipal-drain " the words " or other place aforesaid " shall be inserted.

Substitution of words in section 228.

15. In section 228 of the said Act, for the words " the communications between drains not belonging to the corporation and municipal drains " the words " connections with municipal drains or other places aforesaid " shall be substituted.

Substitution of words in section 230, sub-section (*4*).

16. In section 230, sub-section (*4*), of the said Act, for the words " by whom or in whose behalf " the words " for the benefit of which " shall be substituted.

Amendments of section 231.

17. In section 231 of the said Act,

(*a*) in clause (*a*), after the word " level " the words " and according to such alignment " shall be inserted ; and

(*b*) the following proviso shall be added, namely :—

[*Vol. III of this Code.*]

Amendments of section 232.

18. In section 232 of the said Act,

(*a*) in sub-section (*1*), for the words " to make a drain emptying into a covered cesspool " the following words shall be substituted, namely :—

[*Vol. III of this Code.*]

(*b*) for sub-section (*2*) the following sub-section shall be substituted, namely :—

[*Vol. III of this Code.*]

Insertion of a section after section 232.

19. After section 232 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

Amendments of section 233, sub-section (*1*).

20. In sub-section (*1*) of section 233 of the said Act,

(*a*) after the word " city " the words " or of the part of the city in which such drain is situated " shall be inserted, and

(*b*) for clause (*b*) the following clause shall be substituted, namely :—

[*Vol. III of this Code.*]

Insertion of a section after section 233.

21. After section 233 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

Substitution of word in section 234, sub-section (2).

22. In sub-section (2) of section 234 of the said Act, for the words "such building" the words "the premises in which such building is situated" shall be substituted.

Amendments of section 288, sub-section (1).

23. In sub-section (1) of section 238 of the said Act,

(a) for the words "On receipt of any such application" the words

[*Vol. III of this Code.*]

shall be substituted, and

(b) for the words

(i) "applicant," in the first place where it occurs, the words "said owner or occupier," and, in the second place where it occurs, the words "said premises", and

(ii) "drain to which his application refers" the words "communicating drain"

shall be substituted.

Substitution of a section for section 241.

24. For section 241 of the said Act the following section shall be substituted, namely :—

[*Vol. III of this Code.*]

Substitution of words in section 242.

25. In section 242 of the said Act, for the words "whether for the use of the owner or occupier of the said permises or not" the words "otherwise than for the sole use and benefit of the said premises" shall be substituted.

Amendments in section 244.

26. In section 244 of the said Act,

(a) to sub-section (1) the following words shall be added, namely :—

[*Vol. III of this Code.*]

(b) in clause (a) of sub-section (2), for the words "ten" and "twenty" the words "fifteen" and "forty" shall respectively be substituted ; and

(c) the following sub-section shall be added, namely :—

[*Vol. III of this Code.*]

Addition of words to section 246, sub-section (1) clause (c).

27. To section 246, sub-section (1), clause (c), of the said Act, the words "within or without the city" shall be added.

Substitution of sections for sections 247 and 248.

28. For sections 247 and 248 of the said Act, the following sections shall be substituted, namely :—

[*Vol. III of this Code.*]

Insertion of a section after section 249.

29. After section 249 of the said Act, the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

30. After section 251 of the said Act the following section shall be inserted, namely :— Insertion of a section after section 251.

[*Vol. III of this Code.*]

31. After section 251A of the said Act the following section shall be inserted, namely :— Insertion of a section after section 251A.

[*Vol. III of this Code.*]

32. (*1*) In section 253 of the said Act, after the word "urinals" the words "and bathing and washing places" shall be inserted. Insertion of words in sections 253, 255, 256 and 258.

(*2*) In sections 255, 256 and 258, of the said Act, after the word "urinal," wherever it occurs, the words "or bathing or washing place" shall be inserted.

33. For section 257 of the said Act the following section shall be substituted, namely :— Substitution of a new section for section 257.

[*Vol. III of this Code.*]

34. After section 257 of the said Act the following section shall be inserted, namely :— Insertion of a section after section 257.

[*Vol. III of this Code.*]

35. Sub-section (*2*) of section 259 of the said Act is hereby repealed. Repeal of section 259, sub-section (*2*).

36. After section 259 of the said Act the following section shall be inserted, namely :— Insertion of a section after section 259.

[*Vol. III of this Code.*]

37. In section 260 of the said Act, for the words "section 230, 231, 238, 256 or 257" the words "this chapter" shall be substituted. Substitution of words in section 260.

38. For sections 272 and 273 of the said Act the following sections shall be substituted, namely :— Substitution of sections for sections 272 and 273.

[*Vol. III of this Code.*]

39. In section 281, before the word "cesspool", where it occurs for the second time, insert the words "privy, water-closet or". Insertion of words in section 281.

40. In section 287, sub-section (*2*), of the said Act, Substitution of words in section 287, sub-section (*2*).

(*a*) for the words "the Commissioner shall not" the words "no person shall," and

(*b*) for the words "any person," where they first occur, the word "he" shall be substituted.

41. After section 287 of the said Act the following section shall be inserted, namely :— Insertion of a section after section 287.

[*Vol. III of this Code.*]

Substitution of a section for section 297.

42. For section 297 of the said Act the following section shall be substituted, namely :—

[*Vol. III of this Code.*]

Amendment of sections 302, 303 and 304.

43. (*1*) In section 302 of the said Act, after the word " street, " in the first place in which it occurs, the following words shall be inserted, namely :—

" whether it is intended to allow the public a right of passage or access over such street, or not ";

(*2*) in section 303, sub-section (*1*), of the said Act, after the word " every " insert the word " such, " and

(*3*) in section 304, sub-sections (*1*) and (*2*), of the said Act, before the words " new private street ", insert the word " such ".

Amendment of section 337, sub-section (*1*).

44. In section 337, sub-section (*1*), of the said Act, delete the word " and " and after the word " dimensions " add the following words, namely :—

" and the name of the person whom he intends to employ to supervise its erection."

Amendments in section 338.

45. (*1*) Section 338 of the said Act shall be re-numbered section 338, sub-section (*1*).

(*2*) For clauses (*a*) and (*b*) of the said sub-section the following clauses shall be substituted, namely :—

[*Vol. III of this Code.*]

(*3*) To clause (*c*) of the said sub-section the following words shall be added, namely :—

" and the means of access to such building."

(*4*) After the said sub-section the following sub-section shall be inserted namely :—

[*Vol. III of this Code.*]

Amendment of section 342.

46. In section 342 of the said Act, after the word " executed ", delete the word " and ", and after the word " work ", where it occurs for the second time, add the following words, namely :—

" and the name of the person whom he intends to employ to supervise its execution."

Amendment of section 343.

47. (*1*) In sub-section (*1*) of section 343 of the said Act after the words " plans and sections ", insert the words " of the building and "; and after the words " of the intended new work ", where they occur for the second time, substitute for the remaining words of the said sub-section the words " and the provisions of sections 338, 339, 340 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable."

(2) After the said sub-section the following sub-section shall be inserted, namely :—

[*Vol. III of this Code.*]

(3) Sub-section (2) of the said section shall be deleted.

Amendment of section 344, sub-section (2).

48. In section 344, sub-section (2), of the said Act,

(*a*) after the figures " 343 " the figures and letter " 344A " shall be inserted; and

(*b*) for the word and figures " and 349 " the figures, letters and word " 349, 349A, 349 B and 349 C " shall be substituted.

Insertion of a section after section 344.

49. Before section 345 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

Insertion of a clause in section 347, sub-section (1).

50. After clause (*a*) of section 347, sub-section (*1*), of the said Act the following clause shall be inserted, namely:—

[*Vol. III of this Code.*]

Provisions as to buildings which are to be newly erected.

51. In section 348, sub-section (*1*), of the said Act

(*a*) the words "on any site previously unbuilt upon" are hereby repealed;

(*b*) clause (*e*) shall be deleted and the subsequent clauses re-numbered accordingly ;

(*c*) in clause (*g*), for the word " eight " the word " ten " shall be substituted ;

(*d*) in clause (*h*),

(i) for the word " seven " the word " eight " shall be substituted, and

(ii) after the word " ceiling " the words " and a minimum height of not less than four feet " shall be inserted;

(*e*) in clause (*j*), for the word " eighty " the words " one hundred " shall be substituted.

Insertion of sections after section 349.

52. After section 349 of the said Act the following sections shall be inserted, namely :—

[*Vol. III of this Code.*]

Insertion of a section after section 353.

53. After section 353 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

Insertion of a section after section 354.

54. After section 354 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

Substitution of sections for section 379.

55. For section 379 of the said Act the following sections shall be substituted, namely :—

[*Vol. III of this Code.*]

Amendments in section 461, clause (*c*).

56. (*1*) In section 461, clause (*c*), of the said Act,

(*a*) the word "new" is hereby repealed, and

(*b*) after the word "chimneys" the words "the materials, dimensions and strength of floors and staircases, and of all scantlings, girders, posts and columns" shall be inserted.

Insertion of new clauses in section 461.

(*2*) After clause (*c*) of the said section the following clause shall be inserted, namely :—

[*Vol. III of this Code.*]

(*3*) After clause (*d*) of the said section the following clause shall be inserted, namely :—

[*Vol. III of this Code.*]

Amendments in section 470.

57. In section 470 of the said Act,

(*a*) in sub-section (*1*), before the word "repeal" the words "modified or" shall be inserted, and

(*b*) in sub- section (*2*), before the word "repeal" the words "modify or" shall be inserted, and for the proviso to the said sub-section the following proviso shall be substituted, namely :—

[*Vol. III of this Code.*]

(*c*) in sub-section (*3*), before the word "repeal" the words "modification or" shall be inserted.

Substitution of sections for sections 471 and 472.

58. For sections 471 and 472 of the said Act the following sections shall be substituted, namely :—

[*Vol. III of this Code.*]

Substitution of a sub-section for section 489, sub-section (*2*).

59. For sub-section (*2*) of section 489 of the said Act the following sub-section shall be substituted, namely :—

[*Vol. III of this Code.*]

Insertion of schedules.

60. After Schedule R of the said Act the following schedules shall be inserted, namely :—

SCHEDULES S AND T.

[*Vol. III of this Code.*]

BOMBAY ACT No. I OF 1906.[1]

[*1st June, 1906.*]

An Act further to amend the Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind.

Bom. Act XII of 1866.

WHEREAS it is expedient further to amend the [2] Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind, in manner hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3] Indian Councils Act, 1892, has been obtained for the passing of the Act ; It is hereby enacted as follows :—

Short title.

1. (*1*) This Act may be called the Sind Courts Amendment Act, 1906.

Commencement.

(*2*) It shall come into force upon such day [4] as the Local Government, by notification in the Bombay Government Gazette, may direct.

(*3*) All proceedings pending on such day in the Sadar Court or in the District Court or Court of Sessions of Karachi shall be deemed to be transferred to the Court of the Judicial Commissioner and shall be tried, heard and determined as if they had been instituted in the Court of the Judicial Commissioner and all appeals and applications in suits or other matters pending on such day in any Court which but for the passing of this Act would have lain to the Sadar Court or the District Court or Court of Sessions of Karachi shall be deemed to lie to the Court of the Judicial Commissioner.

Bom. Act XII of 1866.

Substitution of sections for section 1.

2. For section 1 of the [2] Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind, hereinafter called "the said Act," the following sections shall be substituted, namely :—

[*Vol. II of this Code.*]

Amendment in section 2.

3. In section 2 of the said Act after the word "and" the words "save as hereinbefore provided" shall be inserted.

Repeal of section 7.

4. Section 7 of the said Act is hereby repealed.

Substitution of section for section 9.

5. For section 9 of the said Act the following section shall be substituted, namely :—

[*Vol. II of this Code.*]

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1906, Pt. VII, p. 3 ; for Report of Select Committee, *see ibid*, 1906, Pt. VII, p. 50, and for Proceedings in Council, *see ibid*, 1906, Pt. VII, pp. 30 and 65.

[2] Vol. II of this Code.

[3] *See* now the Government of India Act, 1915 (5 and 6 Geo. 5, ch. 61).

[4] 25th June 1906, *see* Bombay Government Gazette, 1906, Pt. I, p. 692.

Insertion of sections after section 9.

6. After section 9 of the said Act the following sections shall be inserted, namely :—

[*Vol. II of this Code.*]

Substitution of section for section 10.

7. For section 10 of the said Act, the following section shall be substituted, namely :—

[*Vol. II of this Code.*]

Insertion of section after section 15.

8. After section 15 of the said Act the following section shall be inserted, namely :—

[*Vol. II of this Code.*]

Substitution of expressions.

9. (*1*) For the expressions "Governor [1] [of Bombay] in Council" and "Governor General of India in Council," wherever they occur in the said Act, the expressions "Local Government" and "Government of India" shall respectively be substituted.

(*2*) For the expression "Sadar Court" occurring in sections 6, 16 and 17 shall be substituted the expression "Court of the Judicial Commissioner".

Amendment in section 21.

10. In section 21 of the said Act,

for the proviso the following shall be substituted, namely :—

[*Vol. II of this Code.*]

BOMBAY ACT No. II OF 1906.[2]

[*29th October, 1906.*]

An Act to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts; It is hereby enacted as follows :—

Short title.

1. (*1*) This Act may be called the Mamlatdars' Courts Act, 1906.

Local extent.

(*2*) It shall extend to the whole of the Bombay Presidency, except the City of Bombay and Aden.

Repeal of Bom. Act III of 1876.

2. The Mamlatdars' Courts Act, 1876, is hereby repealed.

---

[1] These words were inserted by s. 2 of the Bombay Repealing and Amending Act 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1905, Pt. VII, p. 520; for Report of Select Committee, *see ibid*, 1906, Pt. VII, p. 5, and for Proceedings in Council, *see ibid*, 1905, Pt. VII, p. 578; *ibid*, 1906, Pt. VII, pp. 31 and 189.

Interpretation.

3. In this Act, unless there is anything repugnant in the subject or context,

(*a*) the word "Mamlatdar" shall include any Revenue-officer exercising for the time being the powers of a Mamlatdar, of a Mukhtyarkar, or of a Mahalkari, and any other person who may be specially authorized by the Governor in Council to exercise the powers of a Mamlatdar under this Act; and

(*b*) the words "plaintiff" and "defendant" shall include—

(*i*) a pleader duly appointed to act on behalf of such plaintiff or defendant, and

(*ii*) the recognized agent of a plaintiff or defendant as defined in section 37 of the [1] Code of Civil Procedure.

Power to appoint Joint Mamlatdar.

4. (*1*) The Governor in Council may, by notification in the Bombay Government Gazette, appoint in any taluka a Joint Mamlatdar under this Act who shall be invested with co-extensive powers and a concurrent jurisdiction with the Mamlatdar, except that he shall dispose of such suits only as he may receive from the Mamlatdar.

Power of Mamlatdar to transfer suits to the Joint Mamlatdar.

(*2*) The Mamlatdar is hereby empowered to transfer to the Joint Mamlatdar for disposal any suit under this Act the plaint in which has been presented to the Mamlatdar under section 7, and to re-transfer to his own file any such suit, of which the Joint Mamlatdar is, owing to death, sickness or any other cause, unable to dispose.

Delegation of powers to Commissioner.

(*3*) The Governor in Council may [2] delegate his powers under sub-section (*1*) to the Commissioner.

Powers of Mamlatdars' Courts.

5. (*1*) Every Mamlatdar shall preside over a Court, which shall be called a Mamlatdar's Court, and which shall, subject to the provisions of sections 6 and 26, have power, within such territorial limits as may from time to time be fixed by the Governor in Council, to give immediate possession of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or to restore the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes to any person who has been dispossessed or deprived thereof otherwise than by due course of law, or who has become entitled to the possession or restoration thereof by reason of the determination of any tenancy or other right of any other person, not being a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property or use

[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

[2] For instance of such a notification, *see* Bombay Local Rules and Orders.

claimed, or who is the legal representative of such former owner or part-owner :

Provided that, if in any case the Mamlatdar considers it inequitable or unduly harsh to give possession of any such property, or to restore any such use to a person who has become entitled thereto merely by reason of the determination of any such tenancy or other right, or if it appears to him that such case can be more suitably dealt with by a Civil Court, he may in his discretion refuse to exercise the power aforesaid, but shall record in writing his reasons for such refusal.

Power to issue injunction.

(*2*) The said Court shall also, subject to the same provisions, have power within the said limits, when any person is otherwise than by due course of law disturbed or obstructed, or when an attempt has been made so to disturb or obstruct any person, in the possession of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or in the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes, or in the use of roads or customary ways thereto, to issue an injunction to the person causing, or who has attempted to cause, such disturbance or obstruction, requiring him to refrain from causing or attempting to cause any further such disturbance or obstruction.

Suits to be filed within six months. Cause of action.

(*3*) No suit shall be entertained by a Mamlatdar's Court unless it is brought within six months from the date on which the cause of action arose.

(*4*) The cause of action shall be deemed to have arisen on the date on which the dispossession, deprivation, or determination, of tenancy or other right occurred ; or on which the disturbance or obstruction, or the attempted disturbance or obstruction, first commenced.

Explanation.—The exercise by a joint owner of any right which he has over the joint property is not a dispossession, or disturbance of possession of the other joint owner or owners within the meaning of this section.

Illustration I.

A lets *B* his field to cultivate for a specific period one or more years. *B* refuses to resign possession after the expiration of that period. *A* can sue for possession in the Mamlatdar's Court at any time within 6 months from the date of the expiration of the said period, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

Illustration II.

B is a yearly tenant of *A*, who gives him a notice to vacate, as he is bound to do under section 84 of the [1] Bombay Land-Revenue Code, 1879, at least Bom. Act V of 1879.

[1] Vol. II of this Code.

three months before the end of the then current year of tenancy. At the commencement of the next year *B* refuses to vacate. *A* can sue *B* in the Mamlatdar's Court at any time within six months from the commencement of that year, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

Illustration III.

A allows *B* the use of water from his well, or from his water-course, for a specific period, at the expiration of which *B* continues to take water from the well or water-course without *A*'s consent. *A* may sue *B* in the Mamlatdar's Court at any time within six months from the expiration of the said period to obtain an injunction to stop *B* from taking the water, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the use of the water, or who is the legal representative of such former owner or part owner.

Illustration IV.

A and *B* hold lands adjacent to a पाट or फांस, or similar artificial water-course, which has hitherto been exclusively used by *B*. *A* draws water therefrom. *B* may sue in the Mamlatdar's Court, at any time within six months from the date on which *A* commences to take the water, for an injunction to prevent *A* from so doing.

Power of Collector to transfer suits.

6. The Collector may, after due notice to the parties, by order in writing transfer any suit from any Mamlatdar's Court in his district to any other Mamlatdar's Court in his district, and the Mamlatdar's Court to which the suit is so transferred shall thereupon exercise jurisdiction in such suit; but any order issued to village-officers under section 21 shall be issued by the Mamlatdar to whom such village-officers are subordinate.

Suits commenced by plaint. Contents of plaint.

7. All suits under this Act shall be commenced by a plaint, which shall be presented to the Mamlatdar in open Court by the plaintiff, and which shall contain the following particulars :—

(*a*) the name, age, religion, caste, profession and place of abode of the plaintiff;

(*b*) the name, age, religion, caste, profession and place of abode of the defendant;

(*c*) the nature and situation of the property of which possession or use is sought, or the nature of the injunction to be granted, as the case may be;

(*d*). the date on which the cause of action arose ;

(*e*) the circumstances out of which the cause of action arose ; and

(*f*) a list of the plaintiff's documents, if any, and of his witnesses, if any, shewing what evidence is required from each witness, and whether such witnesses are to be summoned to attend, or whether the plaintiff will produce them on the day and at the place to be fixed under section 14.

Informal petitions to be treated as plaints.

8. Where a petition not in the form of a plaint is presented to the Mamlatdar and the subject matter thereof appears to fall within the scope of section 5, the Mamlatdar shall explain to the person presenting the petition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be a plaint presented under section 7.

Examination of plaintiff on oath.

9. Where the plaint does not contain the particulars specified in section 7 or is unnecessarily prolix, the Mamlatdar shall forthwith examine the plantiff upon oath and ascertain from him such of the particulars specified in section 7 as are not clearly and correctly stated in the plaint and shall reduce the examination to writing in the form of an endorsement on or annexure to the plaint which shall thereupon be deemed to be part of the plaint. Where the pliantiff requires time to obtain any of the particulars specified in section 7, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

Plaint to be subscribed and verified.

10. When the plaint is presented, and has, if necessary, been treated in the manner specified in section 9, the Mamlatdar shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following, or to the like effect :—

"I, *A. B.*, the plaintiff, do declare that what is stated in this plaint is true to the best of my information and belief."

Endorsement by Mamlatdar.

11. (*1*) The Mamlatdar shall endorse the plaint to the effect that it was duly subscribed and verified.

Procedure where plaintiff cannot write.

(*2*) Where the plaintiff cannot write, the verification may be written for him in open Court and he shall affix his mark to his name in token of the authenticity of the verification, and the Mamlatdar shall, in such case, record that the verification was made in his presence at the request of the plaintiff, and that his mark was so affixed.

Rejection of plaint.

12. The Mamlatdar shall reject the plaint

(*a*) where the plaintiff declines to make a statement on oath under section 9 ; or

(*b*) where the plaintiff is willing to make or has made a statement on oath under section 9, but fails to furnish the particulars specified in section 7 within the time fixed under section 9 or altogether; or

(*c*) where it appears upon the face of the plaint,

(*i*) that the property or use claimed is not one of the kind specified in section 5, or

(*ii*) that the cause of action arose more than six months before the plaint was presented; or

(*d*) where the plaintiff declines to subscribe or verify the plaint as required by sections 10 and 11.

Return of plaint.

13. Where it appears to the Mamlatdar that the subject of the plaint is not within his jurisdiction, he shall return the plaint to be presented in the proper Court.

Procedure where plaint admissible.

14. (*1*) Where a plaint is admissible, the Mamlatdar shall receive and file it. He shall then fix a convenient day and place for the trial of the case, and shall issue, at the expense of the plaintiff, notice in the form of Schedule A to the defendant. He shall then require the plaintiff to appear with his documents, if any, and witnesses, if any, on the day and at the place fixed.

(*2*) The date to be fixed for the trial of the case shall not be earlier than ten days, nor later than fifteen days, from the day on which the notice is issued, except for sufficient reason to be recorded in writing by the Mamlatdar with his own hand.

(*3*) The place to be fixed for the trial of the case may be in the Mamlatdar's office, or at or near the scene of dispute, or at any other spot that the Mamlatdar considers convenient to the parties.

Attendance of witnesses.

15. (*1*) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons for that purpose.

(*2*) The Mamlatdar may issue, after recording his reasons in writing, a warrant for the arrest of any such witness if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

(*3*) The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the rules that may from time to time be in force in regard to the attendance of witnesses in Subordinate Civil Courts.

Where plaintiff makes default, plaint to be rejected with costs.

16. (*1*) Where the plaintiff fails to attend, or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the plaint with costs, whether the defendant appears or not, unless the defendant admits the claim.

Where defendant does not appear, case to be heard *ex parte*.

(*2*) Where the plaintiff attends as required by section 14, sub-section (*1*), but the defendant fails to attend, and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the defendant and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the plaint *ex parte* :

But case may be reheard on sufficient cause being shown

Provided, *firstly*, that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of a plaint under sub-section (*1*), or of an *ex parte* decision under sub-section (*2*), that he was prevented by some unavoidable circumstance from attending, or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case may be, it shall be lawful for the Mamlatdar to issue a notice in the form of Schedule B at the expense of the applicant to the opposite party and, if still satisfied after hearing the opposite party that the applicant was prevented as alleged, to re-hear the case at such time and place as he may then fix :

or plaintiff may withdraw his suit.

Provided, *secondly*, that nothing in the foregoing provisions shall prevent the plaintiff from withdrawing his suit on payment of the defendant's costs.

When proceedings may be adjourned.

17. (*1*) Where, in the case mentioned in sub-section (*2*) of section 16, the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under section 14, sub-section (*1*), to the defendant.

(*2*) Where any witness who has been duly summoned, or for whose arrest a warrant has been issued under sub-section (*2*) of section 15, fails to attend on the day and at the place fixed, the Mamlatdar may, if he considers there is sufficient reason, after taking the evidence of those present, adjourn the hearing of the suit from time to time till the attendance of such witness can be enforced.

(*3*) The Mamlatdar may, for any other sufficient reason to be recorded in writing, adjourn the trial of the case for such time as he thinks fit, but not ordinarily exceeding ten days.

(*4*) The provisions of sections 15 and 16 shall apply in respect of any day to which the trial of the case may be adjourned under this section, as if such day were the day originally fixed for the trial.

Minor may be a party.

18. (*1*) A minor may sue or be sued, if he is represented by a natural or duly appointed guardian.

Power to add parties.

(*2*) The Mamlatdar may, at any stage of the proceedings, order that the name of any person to whom possession or enjoyment of the property or use claimed, or of any part thereof, may have been transferred, or the addition of whom as a party appears necessary in order to enable the Court effectually and completely to adjudicate upon the issues, be added as a plaintiff or defendant, as the circumstances of the case may require :

Provided that no person shall be added as a plaintiff without his consent :

Provided also that in respect of any person so added, not being a transferee pending the suit, the suit shall for the purposes of section 5, sub-section (*3*), be deemed to have been instituted on the day when his name was so added.

Procedure in case of death of party.

(*3*) In case of the death of any party while the suit is pending,

(*i*) if application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and shall enter on the record the name of such representative ;

(*ii*) if no such application is made, the suit shall abate.

(*4*) Where the Mamlatdar orders the name of any person to be added as a defendant or enters on the record the name of any person as the legal representative of a deceased defendant, the Mamlatdar shall issue to such person a notice as provided in section 14 ; and the trial shall proceed on the date fixed in such notice.

Points to be decided by Mamlatdar at hearing.

19. (*1*) On the day fixed, or on any day to which the proceedings may have been adjourned, the Mamlatdar shall, subject to the provisions of section 16, proceed to hear all the evidence that is then and there before him, and to try the following issues, namely :—

(*a*) If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use—

(*1*) whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed up to any time within six months before the suit was filed ;

(*2*) whether the defendant is in possession at the time of the suit, and, if so, whether he obtained possession otherwise than by due course of law ;

(*b*) if the plaintiff avers that he is entitled to possession of any property or restoration of any use by reason of the determination of any tenure or other right of the defendant in respect thereof—

(*1*) whether the defendant is in possession of the property or in the enjoyment of the use by a right derived from the plaintiff or from any person through whom he claims ;

(*2*) whether such right has determined at any time within six months before the suit was filed ;

(*3*) whether the defendant is other than a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property or use claimed, and other than the legal representative of such former owner or part owner ;

(*c*) if the plaintiff avers that he is still in possession of the property or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has attempted to disturb or obstruct, him in his possession or use—

(*1*) whether the plaintiff or any person in his behalf is actually in possession or enjoyment of the property or use claimed ;

(*2*) whether the defendant is disturbing or obstructing, or has attempted to disturb or obstruct, him in such possession or enjoyment ;

(*3*) whether such disturbance or obstruction, or such attempted disturbance or obstruction, first commenced within six months before the suit was filed.

Power of Mamlatdar to examine other witnesses and inspect property in dispute.

(*2*) The Mamlatdar may, after due notice to, and in the presence of, the parties, summon and examine as a witness any person who has not been summoned or produced, and may call for and cause to be proved any document which has not been applied for or produced, by either of the parties, where he considers it expedient in the interests of justice so to do, and may, if he thinks fit, make a personal inspection of the property in dispute in the presence of, or after due notice to, the parties.

Record of proceedings by Mamlatdar.

(*3*) The Mamlatdar shall with his own hand make or sign a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds, and briefly record his reasons for his finding.

Orders to be passed by Mamlatdar upon decisions in

(*4*) Where the Mamlatdar's finding upon the issues is in favour of the plaintiff, he shall make such order, not being in excess of the powers vested in him by section 5, as the circumstances of the case appear to him to require ; and where his finding is in favour of the defendant, he shall dismiss the suit.

In either case the costs of the suit, including the costs of execution, shall follow the decision. favour of plaintiff and defendant.

20. Every order of the Mamlatdar, whether for rejecting or returning a plaint or whether for allowing or disallowing a claim, shall be endorsed by the Mamlatdar on the plaint and shall be read out by him in open Court, either at once or on some future day of which due notice shall be given to the parties or their pleaders, and brief reasons for the order shall be placed by him on record. Mamlatdar's order to be endorsed on plaint and read out in open Court.

21. (*1*) Where the Mamlatdar's decision is for awarding possession or restoring a use, he shall give effect thereto by issuing such orders to the village-officers, or to any subordinate under his control or otherwise, as he thinks fit : Mamlatdar's decision how executed.

Provided that, notwithstanding anything contained in this Act, where, at the time when a decision is recorded by the Mamlatdar for awarding possession of any land, there is a crop on such land which has been sown by, or at the expense of, the defendant, and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may, and if the defendant makes an application for the purpose and furnishes sufficient security, or deposits in Court a sufficient sum, for the payment of the costs of the suit, shall pass an order staying delivery of possession of such land to the plaintiff seeking possession thereof, either Proviso as to growing crops.

(*a*) until the plaintiff agrees to take the crop at a valuation, to be made under the orders of the Mamlatdar, according to the value of the crop at such time, including any instalments of the Government assessment which the defendant may have paid for the current year : or

(*b*) where the plaintiff is unwilling to take the crop at such valuation until after the expiration of sufficient time for the crop to be gathered by the defendant.

The amount of any valuation made under clause (*a*) of the proviso to this sub-section shall be paid to the defendant through the Mamlatdar, and shall be recoverable from the plaintiff as an arrear of land-revenue.

(*2*) Where the Mamlatdar's decision is for granting an injunction, he shall cause the same to be prepared in the form of Schedule C, and shall deliver or tender the same then and there to the defendant, if present, or if the defendant is not present, shall send it to the village-officers, or to any subordinate under his control, to be served upon the defendant. Mode of serving injunction.

Recovery of costs awarded.

(*3*) Where the Mamlatdar awards costs, such costs, together with the costs of execution, shall be recoverable from the party ordered to pay them as an arrear of land-revenue.

Disobedience to an injunction how punishable.

(*4*) Any person disobeying an injunction granted under sub-section (*2*) shall be punishable under section 188 of the [1] Indian Penal Code. XLV of 1860.

Possession to be given without prejudice to rights of parties.

22. Subject to the provisions of section 23, sub-section (*2*) and section 24 the party to whom the Mamlatdar gives possession, or restores a use, or in whose favour an injunction is granted, shall continue in possession or use until ousted by a decree or order of a competent Civil Court:

Provided, *firstly*, that nothing in this section shall prevent the party against whom the Mamlatdar's decision is passed from recovering by a suit in a competent Civil Court mesne profits for the time he has been kept out of possession of any property, or out of enjoyment of any use:

Provided, *secondly*, that in any subsequent suit or other proceeding in any Civil Court between the same parties, or other persons claiming under them the Mamlatdar's decision respecting the possession of any property or the enjoyment of any use or respecting the title to or valuation of any crop dealt with under the proviso to sub-section (*1*) of section 21, shall not be held to be conclusive.

Bar of appeal.

23. (*1*) There shall be no appeal from any order passed by a Mamlatdar under this Act.

Collector's power to revise Mamlatdar's proceedings.

(*2*) But the Collector may call for and examine the record of any suit under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit.

Collector deemed to be a Court.

(*3*) Where the Collector takes any proceedings under this Act he shall be deemed to be a Court under this Act.

Powers of the Court of the Judicial Commissioner of Sind.

24. The Court of the Judicial Commissioner of Sind may exercise over Mamlatdars' Courts in the Province of Sind the powers exercised by the High Court of Bombay, over Mamlatdars' Courts in other parts of the Bombay Presidency.

Punishment for verification of false plaint.

25. Any plaintiff subscribing and verifying any plaint under this Act which he either knows or believes to be false, or does not believe to be true, in any material point, shall be deemed to have committed an offence punishable under section 193 of the [1] Indian Penal Code. XLV of 1860.

---

[1] General Acts, Vol. I.

26. No suit shall lie under this Act Bar of certain suits.

(*a*) against Government or against any officer of Government in respect of any act done or purporting to be done by any such officer in his official capacity, except where acting as a manager or guardian duly constituted under any law for the time being in force; or

(*b*) in respect of any dispossession, recovery of possession or disturbance of possession, that has been the subject of previous proceedings, to which the plaintiff or his predecessor in interest was a party, under this Act, or in a Civil Court, or under Chapter XII of the [1] Code of Criminal Procedure, 1898. V of 1898.

SCHEDULE A.

FORM OF NOTICE TO BE ISSUED TO THE DEFENDANT UNDER SECTION 14.

Seal of the Court.

No. OF SUIT.

In the Court of the Mamlatdar of

Plaintiff.

Defendant.

TO DEFENDANT—(*name, age, religion, caste, profession and place of abode*).

WHEREAS (*here enter the name, age, religion, caste, profession and place of abode of the plaintiff*) has instituted a suit in this Court against you (*here state the particulars of the plaint*):

You are hereby summoned to appear in this Court at the village of in person or by duly authorized agent on the day of at o'clock *m.*, to answer the above-named plaintiff; and, as the plaint will be finally disposed of on that day, you must adopt measures to produce your documents and procure the attendance of your witnesses at the hour and place above fixed; and you are hereby required to take notice that, in default of such appearance at the before mentioned time and place, the suit will be heard and determined in the absence of yourself and your agent.

Dated this day of 19 .

(*Signed*)

Mamlatdar.

Note.—If you require your witnesses to be summoned by the Court, you should make an application to that effect to the Court without delay, so as to allow of the service of the summonses a reasonable time before the within mentioned date.

[1] General-Acts, Vol. V.

SCHEDULE B.

FORM OF NOTICE TO BE ISSUED UNDER SECTION 16.

Seal of the Court.

No. OF SUIT.

In the Court of the Mamlatdar of

Plaintiff.

Defendant.

To PLAINTIFF (*or* DEFENDANT, *as the case may be*).

WHEREAS, in the suit above specified, instituted in this Court by , the Court ordered on the day of last that , and the said plaintiff (*or* defendant, *as the case may be*) has, under date the day of , applied to this Court to re-hear the case on the grounds that (*here state the grounds*) :

This is to give you notice that the said application will be heard and determined on the day of at o'clock *m.*, at the village of ; and you are hereby required to take notice that in default of your appearance personally or by agent at the said time and place, the application will be heard and determined in your absence and, if granted, a time and place for re-hearing the suit will then be fixed.

Dated this day of 19 .

(*Signed*)

Mamlatdar.

SCHEDULE C.

FORM OF INJUNCTION TO BE ISSUED UNDER SECTION 21, SUB-SECTION (*2*).

Seal of the Court.

No. OF SUIT.

In the Court of the Mamlatdar of

Plaintiff.
Defendant.

To DEFENDANT

WHEREAS in the suit above specified the Court has this day found that you have disturbed or obstructed (*or* that you have attempted to disturb or obstruct) the said plaintiff in his possession of the under-mentioned property (*or* enjoyment of the under-mentioned use of water *or* use of roads, *or otherwise as the case may be*) by (*here describe the disturbance or obstruction or attempted disturbance or obstruction found proved*) :

You are hereby prohibited from making any further attempt to disturb or obstruct (*if necessary set forth the particular kind of disturbance or obstruction which the defendant is enjoined not to repeat*) the said plaintiff in his possession of the said property (*or otherwise as the case may be*) otherwise than in execution of the decree of a competent Civil Court.

Dated this day of 19 .

(*Signed*)

Mamlatdar.

BOMBAY ACT No. I OF 1907.[1]

[*13th August, 1907.*]

An Act further to amend the [2] Bombay Tramways Act, 1874.

Bom. Act I of 1874.

WHEREAS it is expedient further to amend the [2] Bombay Tramways Act,

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1907, Pt. VII, p. 22, and for Proceedings in Council, *see ibid*, 1907, Pt. VII, pp. 45 and 113.

[2] Vol. II of this Code.

1874, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Tramways (Amendment) Act, 1907.

Amendment of section 6.

2. To section 6 of the [1] Bombay Tramways Act, 1874, hereinafter called "the said Act", the words "without the consent of the said corporation" shall be added. Bom. Act I of 1874.

Amendment of section 9.

3. In section 9 of the said Act—

(*a*) the word "maximum" is hereby repealed;

(*b*) for the words "be eight miles per hour" the following words shall be substituted, namely :—

"not exceed such maximum as the Municipal Commissioner, with the previous sanction of Government, shall from time to time prescribe."

BOMBAY ACT No. II OF 1907.[2]

[*27th August, 1907.*]

An Act further to amend the Dekkhan Agriculturists' Relief Act, 1879.

Preamble.

WHEREAS it is expedient further to amend the [4] Dekkhan Agriculturists' Relief Act, 1879, in manner hereinafter appearing;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3] Indian Councils Act, 1892, has been obtained to the passing of this Act; Bom. Act XVII of 1879.

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Dekkhan Agriculturists' Relief (Amendment) Act, 1907.

Insertion of section in Chapter III.

2. In Chapter III, before section 11, of the [4] Dekkhan Agriculturists' Relief Act, 1879, hereinafter called the said Act, the following section shall be inserted, namely :— Bom. Act XVII of 1879.

---

[1] Volume II of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1907, Pt. VII, p. 2; for Report of Select Committee, *see ibid*, 1907, Pt. VII, p. 23, and for Proceedings in Council, *see ibid*, 1907, Pt. VII, pp. 39 and 106.

[3] *See* now the Government of India Act, 1915 (5 & 6 Geo. 5, Ch. 61).

[4] Volume I of this Code.

3. After section 22 of the said Act, the following section shall be inserted, namely :— Insertion of section after section 22.

[*Vol. I of this Code.*]

BOMBAY ACT No. III OF 1907.[1]

[*16th January, 1908.*]

An Act further to amend the Bombay Vaccination Act, 1877, the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Act, 1898, and to amend the [2] Bombay Motor-vehicles Act, 1904.

WHEREAS it is expedient that the Municipal Corporation of the City of Bombay should be relieved of all expenses on account of the police of the City of Bombay and that in place thereof the said corporation should undertake certain medical, educational and other expenses heretofore devolving upon Government : And whereas it is therefore expedient further to amend the [3] Bombay Vaccination Act, 1877, [4] the City of Bombay Municipal Act, 1888, and the [5] City of Bombay Improvement Act, 1898, and to amend the [2] Bombay Motor-vehicles Act, 1904, in manner hereinafter appearing ; It is hereby enacted as follows :—

Bom. Act I of 1877. Bom. Act III of 1888. Bom. Act IV of 1898. Bom. Act II of 1904.

1. (*1*) This Act may be called the City of Bombay Police Charges Act, 1907. Short title and commencement.

Bom. Act III of 1888.

(2) Sections 9, 16, 18 and 24 and so much of section 10 as relates to sections 62 and 62D of the [4] City of Bombay Municipal Act, 1888, as enacted by this Act, shall come into force on the first day of April, 1907, and the [6] rest of this Act shall come into force on a day to be notified in this behalf by the Governor in Council.

Bom. Act I of 1877.

2. To section 2 of the [3] Bombay Vaccination Act, 1877, the following sub-sections shall be added, namely :— Addition of sub-sections to section 2 of the Bombay Vaccination Act, 1877.

[*Vol. II of this Code.*]

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1907, Part VII, p. 190 ; for Report of the Select Committee, *see ibid*, p. 420 ; and for Proceedings in Council, *see ibid*, pp. 396 and 445.

[2] This Act has been repealed by Act 8 of 1914, General Acts, Vol. VIII.

[3] Vol. II of this Code.

[4] Vol. III of this Code.

[5] *Supra.*

[6] The rest of this Act was brought into force on the 1st March, 1909, *see* Bombay Local Rules and Orders.

Amendment of section 3 of the same Act.

3. (*1*) In section 3 of the [1] Bombay Vaccination Act, 1877, for the words " Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs " the words " Commissioner, with the approval of the corporation " shall be substituted. Bom. Act I of 1877.

(*2*) For the words " The Sanitary Commissioner or other officer aforesaid," where they occur for the first time in the said section, the words " Subject to the provisions of the City of Bombay Municipal Act, 1888, the Commissioner " shall be substituted.

(*3*) For the words " Sanitary Commissioner or other officer aforesaid ", where they occur for the second time in the said section, the word " Commissioner " shall be substituted.

Amendment of sections 4, 6, 16, 17, 19 and 29 of the same Act.

4. In sections 4, 6, 16, 17, 19 and 29 of the [1] Bombay Vaccination Act, 1877, for the expressions " Sanitary Commissioner for the Presidency of Bombay or such other officer as Government directs," " Sanitary Commissioner or other officer aforesaid," and " Sanitary Commissioner or other officer," wherever they respectively occur, the expression " Commissioner " shall be substituted. Bom. Act I of 1877.

Amendment of section 5 of the same Act.

5. In section 5 of the [1] Bombay Vaccination Act, 1877, for the words " Sanitary Commissioner or other officer aforesaid," the words " health officer " shall be substituted. Bom. Act I of 1877.

Amendment of sections 6, 26 and 31 of the same Act.

6. (*1*) In section 6 of the [1] Bombay Vaccination Act, 1877, for the word " Government," wherever it occurs, the words " the corporation " shall be substituted. Bom. Act I of 1877.

(*2*) In section 26 of the same Act, for the word " Government " the words " the Standing Committee appointed under the provisions of the City of Bombay Municipal Act, 1888," shall be substituted.

(*3*) In section 31 of the same Act, for the words " The Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, may, with the sanction of the Governor in Council " the words " The Commissioner may with the sanction of the corporation " shall be substituted.

Amendment of section 30 of the same Act.

7. In section 30 of the [1] Bombay Vaccination Act, 1877, for the words " Executive officer of health for the City of Bombay, appointed under the provisions of the [2]City of Bombay Municipal Act, 1888, or of the officer for the time being officiating in his appointment " the words " health officer " shall be substituted. Bom. Act I of 1877. Bom. Act III of 1888.

---

[1] Vol. II of this Code.

[2] Vol. III of this Code.

Bom. Act III of 1888.

8. (*1*) In section 39, sub-section (*1*), of the [1] City of Bombay Municipal Act, 1888, hereinafter called "the said Act," the words "and of Government each," "four members of" and "Joint" are hereby repealed. Amendment of sections 39 and 40 of the City of Bombay Municipal Act, 1888.

(*2*) For sub-section (*3*) of the said section the following sub-section shall be substituted, namely :—

[*Vol. III of this Code.*]

(*3*) In sub-sections (*5*), (*9*) and (*10*) of the said section the word "Joint" is hereby repealed.

(*4*) In sub-section (*6*) of the said section the words "provide for the Joint Schools' Committee a competent secretary and such clerks and messengers as shall be necessary. It shall also" are hereby repealed.

(*5*) For sub-section (*7*) of the said section the following sub-section shall be substituted, namely :—

[*Vol. III of this Code.*]

(*6*) In sub-section (*8*) of the said section, for the word "school-fund" the words "said funds" shall be substituted.

(*7*) In sub-section (*9*) of the said section—

(*a*) for the word "school-fund" the words "municipal fund" shall be substituted;

(*b*) the words "and annex to the aid given to other primary schools such terms as shall seem expedient, subject always to by-laws duly made under section 461 and to rules made or approved by Government in this behalf" are hereby repealed.

(*8*) In section 40 of the said Act the words "in the manner described in the last preceding section or" and the word "Joint" are hereby repealed.

9. (*1*) In section 61 of the said Act after clauses (*f*) and (*g*) the following clauses respectively shall be inserted, namely :— Amendment of section 61 of the same Act.

[*Vol. III of this Code.*]

(*2*) To clause (*q*) the following proviso shall be added, namely :—

[*Vol. III of this Code.*]

10. For section 62 of the said Act the following sections shall be substituted, namely :— Substitution of new sections for section 62 of the same Act.

[*Vol. III of this Code.*]

11. In section 63 of the said Act clause (*a*) is hereby repealed. Repeal of section 63, clause (*a*), of the same Act.

[1] Vol. III of this Code.

Insertion of section after section 68 of the same Act.

12. After section 68 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code.*]

Insertion of sections after section 76 of the same Act

13. (*1*) After section 76 of the said Act the following headings and sections shall be inserted, namely :—

[*Vol. III of this Code.*]

(2) In section 80 of the said Act, after the figures " 74," the figures and letters "76A and 76B" shall be inserted.

Insertion of sections after section 89 of the same Act.

14. After section 89 of the said Act the following sections shall be inserted, namely :—

[*Vol. III of this Code.*]

Addition of proviso to section 92 of the same Act.

15. To section 92 of the said Act the following proviso shall be added, namely :—

[*Vol. III of this Code.*]

Amendment of section 111 of the same Act.

16. In section 111 of the said Act—

(*a*) for the words " all fees," where they occur for the second time, the words " the balance, after all necessary contingent expenses have been defrayed of all fees," shall be substituted ;

(*b*) after the clause relating to fees for licenses granted under Bombay Act VI of 1863 the following clause shall be inserted, namely :—

[*Vol. III of this Code.*]

Amendment of section 118 of the same Act.

17. In section 118 of the said Act after the figures " 62 " the figures and letter " 62D " shall be inserted.

Repeal of section 120 of the same Act.

18. Section 120 of the said Act and the heading thereto are hereby repealed.

Amendment of section 121 of the same Act.

19. In section 121 of the said Act the words " other " and " also," and, in the heading to the said section the word " other," are hereby repealed.

Amendment of section 461 of the same Act.

20. In section 461, clause (*a*), of the said Act,—

(*a*) the word " Joint " is hereby repealed ;

(*b*) the words "and of the functions assigned to it under sub-section (*9*) of the said section and regulating the administration by the said committee of the school-fund under sub-section (*7*) of the said section " are hereby repealed and after the figures " 39 " the word " and " shall be inserted.

Amendment of section 518 of the same Act.

21. In section 518, sub-section (*1*), of the said Act, after the figures "62" the figures and letters "62C, 62D, 89F," shall be inserted.

Addition of schedules to the same Act.

22. The schedules hereto appended shall be added to the schedules appended to the said Act.

Bom. Act IV of 1898.

Amendment of section 40 of the City of Bombay Improvement Act, 1898.

23. For section 40[1], sub-section (*4*), of the [2] City of Bombay Improvement Act, 1898, the following sub-section shall be substituted, namely :—

"(*4*) On the expiration of the lease the building and the land forming the site thereof shall vest absolutely in His Majesty."

Amendment of section 4 of the Bombay Motor-vehicles Act, 1904.

[3] **24.** In section 4, sub-section (*3*), of the Bombay Motor-vehicles Act, 1904, for the words "the total amount" the words "the balance, after all expenses incurred in administering this Act in the City of Bombay have been defrayed" shall be substituted.

SCHEDULE U.

[*See section 62, sub-section (1).*]

[*Vol. III of this Code.*]

SCHEDULE V.

(*See section 89A.*)

[*Vol. III of this Code.*]

BOMBAY ACT No. I OF 1908[4].

[*1st September, 1908.*]

An Act to amend the Government Occupants (Sind) Act, 1899.

WHEREAS it is expedient to amend the Government Occupants (Sind) Act, 1899, in manner hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Government Occupants (Sind) Amendment Act, 1908.

Bom. Act III of 1899.

Substitution of new sections for sections 5 and 6.

2. For sections 5 and 6 of the [5] Government Occupants (Sind) Act, 1899, hereinafter called "the said Act," the following sections shall be substituted, namely :—

[*Supra.*]

[1] Section 40 of Bom. Act 4 of 1898 has since been substituted by s. 13 of Bom. Act I of 1913, Vol. V of this Code.

[2] *Supra.*

[3] This section has been virtually repealed as the Bombay Motor-vehicles Act, 1904, was repealed by Act 8 of 1914.

[4] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1908, Pt. VII, p. 2 ; and for Proceedings in Council, *see ibid*, 1908, Pt. VII, p. 81.

[5] *Supra.*

Amendment of section 7.

3. In section 7 of the said Act,

(*a*) for the words "entry in any such register" the words "such sanad or endorsement thereon" shall be substituted;

(*b*) for the word "entry,"- where it occurs for the second time, the words "sanad or endorsement thereon" shall be substituted;

(*c*) for the words "prescribed in the statement prefixed to such register" the words "on which the occupancy has been granted under sections 5 and 6" shall be substituted.

Repeal of portion of section 10.

4. In section 10 of the said Act, the concluding sentence is hereby repealed.

Saving of validity of past grants of occupancies.

5. Any occupancy heretofore granted by the Collector, which expressly purports, or may be reasonably held to have been intended, to have been granted in pursuance of the said Act, shall be valid and deemed to have been granted under that Act, as amended by the foregoing sections of this Act.

BOMBAY ACT No. II OF 1908.[1]

[*4th December, 1908.*]

An Act further to amend the City of Bombay Improvement Act, 1898.

WHEREAS it is expedient further to amend the [2] City of Bombay Improvement Act, 1898, in manner hereinafter appearing; Bom. Act IV of 1898.

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3] Indian Councils Act, 1892, has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the City of Bombay Improvement (Amendment) Act, 1908. Bom. Act IV of 1898.

2. In clause (*l*) of section 47 of the [2] City of Bombay Improvement Act, 1898, hereinafter called "the said Act," for the latter part commencing with the words "and clause (*b*)," the following shall be substituted, namely:—

[*Supra.*]

Substitution of new section for section 50.

3. For section 50 of the said Act, the following section shall be substituted, namely:—

[*Supra.*]

Retrospective effect of sections 2 and 3.

4. The Amendments to the said Act contained in sections 2 and 3 shall be deemed to have been made and to have effect from the date of the commencement of the said Act.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1908, Pt. VII, p. 164, and for Proceedings in Council *see ibid*, p. 182.

[2] *Supra.*

[3] *See* now the Government of India Act, 1915 (5 and 6 Geo. 5, Ch. 61).

INDEX.

(References are to pages.

	PAGE.
BOMBAY ABKARI ACT AMENDMENT ACT, 1901	260
BOMBAY ABKARI ACT AMENDMENT ACT, 1905	372
BOMBAY ABKARI (AMENDMENT) ACT, 1903	330
BOMBAY CITY LAND-REVENUE (AMENDMENT) ACT, 1900	109
BOMBAY COURT OF WARDS ACT, 1905	351
Appeal	369
Arrears of rent, recovery of	364
property under management not liable to sale for	365
Claimants, notice to, publication of	359
to furnish full particulars of claim	360
Claims, investigation and decision of	360
Report to Government	361
Commissioner to be Court of Wards	354
Control of Governor in Council	369
Decrees against Government Ward, execution of, to be stayed	361
Definitions	353
Delegation of powers	362
Duties	364
Eviction, power of	364
Governor in Council, control of	369
power to make rules	370
Government Wards—	
adjudication of civil disputes	366
allowance to ward, his family and dependents	363
custody, education and residence of	363
disabilities of	366
processes against	365
suits on behalf of	365
wills made by	367
Guardians, appointment of	363
on withdrawal of superintendence	368
Heirs, custody of	357
Landholders, when disqualified to manage property	355
Manager, appointment of	362
duties of	364
liabilities of	362
status of, in suits against Government Wards	365
to be deemed public servant	363
Notice to claimants, publication of	359
Powers, delegation of	362
general	363
in regard to property of Government Wards	364
of Governor in Council to make rules	370

PAGE.

BOMBAY COURT OF WARDS ACT, 1905—*contd.*

Powers to evict 364
Property, succession to, disputed 367
temporary custody of 357
under management not liable to sale for arrears . . . 365
Rent, arrears, recovery of 364
Rules, power of Governor in Council to make 370
Servants of the Court of Wards to be deemed public servants . . 363
Suits, bar of 370
costs of, payment of 365
notice of 365

Superintendence—

assumption of 354
in case of Hindu undivided family . . . 356, 357
notification of 358
of person of disqualified land-holder . . . 358
on application of land-holder or pension-holder . 356
where Government officer appointed guardian . 355
where land held in more than one jurisdiction . 358
withdrawal of 367

BOMBAY CIVIL COURTS AMENDMENT ACT, 1900 107

BOMBAY DISTRICT MUNICIPAL ACT (1901) AMENDMENT ACT, 1902 . 268

Schedule of enactments amended 269-270

BOMBAY DISTRICT MUNICIPAL ACT, 1901 111

Accounts—

audit of 238
Budget Estimate 238
presentation of 238
publication of 239
transmission to Government 239
Amended 268

Assessment List—

amendment of 178
effect of 178
objections 178
authentication of 177
custody and inspection of 178
objections to, how to be made 177
hearing of 177
preparation of 176
publication of 177
revision of 177
Bathing places 215
Brothels 230

PAGE.

BOMBAY DISTRICT MUNICIPAL ACT, 1901—*contd.*

Buildings—
- brackets, etc., fixing of 206
- defacing of, penalty for 206
- dangerous 207
- level of 195
- new, notice of— 196
  - suspension of 196
  - exceptions 196
- numbering of 206
- overcrowding of 225
- projections 205
- rain water pipes 205
- regulation of 194
- repairs 210
- roofs and outer walls of, materials 195

Cattle—
- diseases among 225
- feeding of, on filth 216
- tethering 215

Charitable institutions, contributions to 171

City Municipalities, special provisions for 243-245

Claims, recovery of—
- Bills for taxes, presentation of 186
  - contents of 186
- Demand, notice of 186
  - appeals 190
- Distraint and sale of goods 188-189
  - suspension of power to recover by 190
  - outside the Municipal District 189
- Fees and costs of 189
- Land and buildings liable for rates 190
- Receipts for payments 191
- Warrant, how executed 188
  - issue of 187

Committees—
- Casual vacancies 150
- Chairman 150
- Consultative committees 149
- Joint Committees 153
- Managing Committees 148
  - powers of 149
- Orders of, subject to revision and appeal 152

PAGE.

BOMBAY DISTRICT MUNICIPAL ACT, 1901—*contd.*

Committees—*contd.*

persons other than councillors may serve on 150
duties of such persons . 150
procedure at 151
by circular 151-152
quorum 151
School Committees 149
subordination to instructions of Municipality 152
Compensation, arbitration in cases of 235
Contracts 154
execution, mode of 155, 253
invalidity of 155
sanctions 154-155
security 254
Tenders 254
Control 239
Collector, powers of 239-240
Commissioner, powers of 240-1, 243
Government, powers of 241-243
Costs, determination and recovery of 235
Corrupt practices, meaning of 140
are criminal offences 141
penalties 141

Councillors—

casual vacancies, how filled up 138
contracts, interest in 157
disabilities from continuing a Councillor 137
disqualifications 136, 140
election and nomination of 132
number and proportion of 132
re-eligibility of 139
removal from office 138
resignation 138
responsibility of, for misapplied funds 156
saving 156
term of office 138
Dead, disposal of 227
Definitions 127

Diseases—

among cattle 225
dangerous, prevention of 220-222
outbreak of, duties of Municipality . . . 223
Distress 236

PAGE.

BOMBAY DISTRICT MUNICIPAL ACT, 1901—*contd.*

Drainage, etc.—
control over 199
for new buildings 200
inspection of 204
expenses of 204
municipal drains, encroachments on 203
private drains to drain into 200
powers of Municipality for making 199
to close private drains 203
through lands of other persons 201
how to be carried out . . 201
rights of owners of such lands . 202

Elections—
corrupt practices 140
irregularities not to invalidate 140
validity of 139
inquiry into 139-140
voters, disqualifications of 139
Enactments repealed 126
savings 126
Entry, powers of 234
Fees 180
Food, articles of—
adulterated 218-219
search for and inspection of 218

Huts—
improvement of 198
regulation of 198
Improvement expenses 233
Land, acquisition of 156
Magistrates, powers of 236
Markets 216

Meetings—
adjournment 147
business to be transacted 146
notice of certain 147
General Meetings, ordinary 145
special 145
Government servants, presence of 148
how presided over 146
Municipal Commissioner may attend and speak at . . . 148
Notice of 145

PAGE.

BOMBAY DISTRICT MUNICIPAL ACT, 1901—*contd.*

Meetings—*contd.*
- open to certain Government servants 148
- public 146
- place of 146
- proceedings, minutes of 147
- validity of 153
- questions to be decided by votes 147
- quorum 146
- Resolutions, modification and cancellation of 147

Municipal Commissioner—
- appointment of 245
- functions of 144
- leave and leave allowances 247
- powers of 240-241, 243, 248-252
- removal from office 246
- right to attend and speak at meetings 148
- salary of 246
- term of office 246

Municipal District—
- boundary marks 130
- declaration of 129
- limits of 130
- naming of 131
- periodical 130
- powers and duties of 135
- taxes, rates, etc., in 135
- Permanent 131

Municipal Fund—
- application of 167
- constitution of 166
- misapplication, responsibility for 156
- special trusts 166
- surplus funds, investment of 168

Municipal Property—
- acquisition of property 164
- application of 167
- claims to, decision of 165-166
- damage to, how made good 236-237
- to vest in Government 130
- vested property 165

Municipalities—
- By-laws, power to make 160
- claims, recovery of 186-191

PAGE.

BOMBAY DISTRICT MUNICIPAL ACT, 1901—*contd.*

Municipalities—*contd.*

charitable institutions, contributions to 171
competency to enter into contracts, etc. 154
constitution and incorporation of 132
in exceptional cases 135
Councillors—*see* "Councillors".
discretionary powers of expenditure 170
duties of 168-170
duties, powers and functions of, may be delegated to individuals 152
election roll 134
elections, rules for regulating 132
See also "Elections."
Fees, power to charge 180
Funds—*see* "Municipal Fund."
Meetings—*see* "Meetings."
Municipal Commissioner, functions of 144
President and Vice-President 142
Proceedings, validity of 153
Property—*see* "Municipal Property."
Public institutions, contributions to 171
Rules, power to make 158
Voters, disqualifications of 139
qualifications of 133
Notices, non-compliance with, penalty for 232
service of 230-231

Notified Areas—

application of Act to 255
constitution of 254
preliminaries to 255
funds of, application of, when area ceases to be notified . . 255
proceeds of, expenditure of 255
Nuisances, abatement of 215
prevention of 212

Octroi—

account current with public bodies in lieu of 185
articles liable to, examination of 183
search for 183
by-laws, submission of 183
collection of, by one public body for another 185
evasion of, penalty for 184
joint levy of 154
non-payment of, penalty for 184
Officers and Servants, liabilities of 156

PAGE.

BOMBAY DISTRICT MUNICIPAL ACT, 1901—*contd.*

Overcrowded areas, powers in respect of 226-227
buildings 225
Police Officers, powers of 238
Powers, withdrawal and modification of 224

President—

absence without leave, consequence of 142
casting vote 144
functions of 143-144
liability to removal 143
selection and election of 142
term of office 143
vacancies, how to be filled up 143
Privies, provision of 202
repair, etc., of 202
Prosecutions 236
Prostitution 230
Public institutions, management of 172
Quarrying, dangerous 211
Rent on land, recovery of 237
Schedules 256-258
Slaughter houses 216
Smoke, consumption of 216
Steam-whistles, etc., prohibition of use of 229

Streets—

naming of 206
new, laying out of 192
pavements, displacement of 208
public, any street declared a 192
laying out of 191
obstructions and encroachments on 209
regular line of 193
repair of 191
trees, hedges, trimming of 206
Suits, limitation of 237

Taxes—

from whom primarily leviable 179
imposition of 172-174
procedure preliminary to 174
objectionable taxes, suspension of 182
on pilgrims 182
recovery of, from occupiers 179
reduction, suspension or abolition of 180
remission of 179-180
special provisions relating to certain 180

PAGE.

BOMBAY DISTRICT MUNICIPAL ACT, 1901—*concld.*

Tolls—

Farming of 186
non-payment of, penalty for 184
tables of 184
Trades and occupations, regulation of certain 228-229

Vice-President—

absence without leave, consequence of 142
election of 142
functions of 144-145
leave, limit to grant of 143
liability to removal 143
term of office 143
vacancies, how filled up 143
Water sources, insanitary and dangerous 207
fouling 215
Weights and Measures, false 220
Works, execution of, without allowing option to person concerned . 204
Expenses of . 204

BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1903 . . . 330

BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1904 . . . 350

BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1898 5

BOMBAY GENERAL CLAUSES ACT, 1904 331
Acts, coming into operation of 337
Appendix (Amendments made in the Regulations and Acts by Act No. 3 of 1886) 343-348
Construction, rules of 337
Definitions 333-337
Distances, measurement of 339

Enactments—

citation of 342

repealed—

effect of repeal 337
reference to 338
revival of 338
orders, etc., issued under enactments repealed and re-enacted, continuation of . . 341
Fines, recovery of 341

Functionaries—

substitution of 339
successors 339

PAGE.

BOMBAY GENERAL CLAUSES ACT, 1904—*concld.*

Gender and number 339
Offences punishable under two or more enactments . . 342
Official Chiefs and subordinates 340
Powers conferred on Government 339
Repeals 333, 342
Rules and orders 340-341
Savings 342
Service by post, meaning of 342
Time, commencement and termination of 338
computation of 338
BOMBAY LAND REVENUE CODE AMENDMENT ACT, 1901 262
Validity of past assessments 262
BOMBAY PORT TRUST (AMENDMENT) ACT, 1899 98
BOMBAY PORT TRUST ACT AMENDMENT ACT, 1901 110
BOMBAY PREVENTION OF ADULTERATION ACT, 1899 100
Amendments to the City of Bombay Municipal Act, 1888 . . 104
Food, analysis of—
penalty for refusing to sell for the purpose of . . . 103
procedure 103-104
Food not of the proper quality, sale of—
Prosecutions—
no proceedings to be instituted without leave of Commissioner or President 101
punishment 102
protection to persons acting in good faith . 102
summonses 101
what is a good defence in 103
Restriction *re* application of certain sections 100
BOMBAY REPEALING AND AMENDING ACT, 1905 372
Amendments 373-374
Repeals 374
BOMBAY SALT (AMENDMENT) ACT, 1901 110
BOMBAY TRAMWAYS (AMENDMENT) ACT, 1907 397
CITY OF BOMBAY IMPROVEMENT ACT, 1898 6
Accounts 66-67
Acting Chairman, appointment and salary of 25
Amended 259, 404
Board of Trustees—*See* "Trustees, Board of".

PAGE.

CITY OF BOMBAY IMPROVEMENT ACT, 1898—*contd.*

Borrowing Powers—

Power to borrow from Secretary of State and other persons . 52
Interest, guarantee for . . . 64
Payment to survivors of joint payees . 54
Period over which loans may extend . 53
Repayment of borrowed money . 52
Securities, form of 53
grant mortgages 54
take advances from Banks 54
Sinking Fund, provision for 52
By-laws, Board to make 69
approval and publication of 69
infringement of, penalties for 70

Chairman—

appointment of, by Government 18
duration of term of office 19
duties of 25
leave allowances and pension of 25
leave of absence 25
removal of 19
salary of 21
signature of, on coupons of debentures 24
to preside at meetings 22

Commissioner—*See* "Municipal Commissioner".

Committees—

acts not invalidated by informalities 24
delegation of power to 23
President 23
questions to be decided by votes 23
quorum 23
when to meet 23
Contracts, execution of 24
Deferred Street Schemes 33
Particulars 33
Definitions 16
Distances, measurement of 71
Funds—*See* "Municipal Fund."
Improvement Schemes 26
Land, acquisition of 29-30
particulars of, declaration of . . . 31
Notification, publication of 29
Official reference 27
definition of 28
representation, who to make 27
particulars of 28

PAGE.

CITY OF BOMBAY IMPROVEMENT ACT, 1898—*contd.*

Improvement Schemes—*contd.*

power to alter 31
procedure on completion of 28-29
service of notice 29
to be sent (with particulars) to Government for sanction . . 30

Land, acquisition of—

by the Board, by agreement 45
otherwise than by agreement 45
Collector to take possession and transfer land to Board . . 51
Compensation, provisions as to 49-50
to Board on land resumed 51
"Reclamation, cost of" defined 51

Tribunal of Appeal—

constitution 47
decision of, enforcement of 49
appeal against 49
functions of 47

Members—

duration of office 48
remuneration of 48
removal of 48
supply of vacancies 48
powers of 49

President—

powers of 49
selection of 48

Land vested in the Board.—*See* under "Property and Liabilities of the Board."

Meetings—

decision of questions by votes 23
minutes of 23
ordinary meetings 22
Poll 23
President 22
Quorum 22
Special meetings 22

Officers and Servants—

appointment of 68
"Engineer" defined 69
leave, allowances and pensions, Board to frame Regulations for 68
strength 67

PAGE.

CITY OF BOMBAY IMPROVEMENT ACT, 1898—*contd.*

Penalties—

for being interested in contracts with the Board . . . 70
obtaining illegal gratification 70
Police Accommodation Schemes 40
execution of 41
lease to Government, terms of 41
particulars 40
procedure on completion of scheme 40
vesting of land in Board 41
His Majesty 42

Poorer Classes Accommodation Schemes—

Deposit by and notice to the employer 36
refund of deposit 36
land on which dwellings may be constructed 35

lease—

default and determination of 37
provision as to 37
term of 36
particulars 35
procedure on completion of scheme 35
when dwellings are to be constructed on land of Government or Corporation vested in the Board 35
rent, amount of 36
Property and Liabilities of the Board 55-61
guarantee for the fulfilment of liabilities 64

lands vested in the Board—

Board to maintain and manage 56
exchange of 57
application of proceeds of exchange . . 60
Government and Corporation may resume . . . 58
may be leased by the Board 56
term of lease . . . 57
vesting of property in His Majesty or Corporation on termination of lease . 59
particulars of 55
period for which land shall remain vested . . . 57

Powers of the Board—

to acquire and hold property 59

PAGE.

CITY OF BOMBAY IMPROVEMENT ACT, 1898—*contd.*

Property and liabilities of the Board—*contd.*

Powers of the Board—*contd.*

to apply certain lands vested in the Board to the purposes of schemes 60
lease 59
sell 60
application of sale proceeds 60
Proceeds of sale and exchange of property, etc., application of . 60
to vest in the Corporation on dissolution of Board . . 61
Reclamation Schemes 38
Government not liable for loss 40
Notification, publication of 39
to be communicated to the President of the Corporation 39
particulars 39
procedure on completion of scheme 39
to be sent to Government for sanction 40
Revenue and Expenditure 61-67
Accounts, audit of 66
publication of report 67
remuneration of auditors 67
division of 62

Annual Estimates—

First Estimates 66
submission of, by Chairman 65
Supplementary Estimates 66
to be considered by the Board 65
submitted to Government 65
Balances, disposal of 64
Banking 67
Expenditure of sums not included in the Annual Estimates . 66
General Accounts, application of moneys credited to . . 63
to distinguish between items in respect of certain lands 63
Guarantee for fulfilment of liabilities 64-65
Municipal Fund, contribution from 61
Payments by Government 62
Savings of Acts 16
Schedules 72-97
power of Government to alter entries in . . . 58
Seals 24

PAGE.

CITY OF BOMBAY IMPROVEMENT ACT, 1898—*contd.*

Sinking Fund—.

investment of, dates for 53
procedure in the event of default . . . 64
provision for 52
Streets, minimum width of 44
proviso 44
service passage 45
to vest in Corporation on completion of Street Schemes . 44

Street Schemes—.

Deferred—*See* "Deferred Street Schemes"
Municipal Streets and lands to be vested in Board . . . 42
disputes 43
cost of acquiring land when to be repaid to Corporation . 43
open spaces for ventilation to vest in Corporation . . . 45
particulars of 32
procedure on completion of scheme 33
streets to vest in Corporation on completion of scheme . . 44
Suits, limitation of 71

Term of Office—

of Chairman 19
first Trustees 19
when to commence 18

Trustees—

casual vacancies 19
disqualifications of 20
proviso 20
election of 18
method of 18
procedure in event of default to elect 18
report of 18
Fees payable to 21
nomination of 18
penalties 70
power to vote, etc., restrictions on 21
term of office 19
when to vacate office 20

Trustees, Board of—

acquisition of land by 45-46
acts not invalidated by informalities 24
borrowing powers 52

PAGE.

CITY OF BOMBAY IMPROVEMENT ACT, 1898—*contd.*

Trustees, Board of—*contd.*

casual vacancies—

acting appointment for less than 3 months 19
filling up of 19
for periods exceeding 3 months 19

Chairman—*See* " Chairman ".

claims by or against, compromise of 2
constitution 17
contracts 24
delegation of power to Committees 23
dissolution of 61
duties and powers 26–51
election of Trustees 18
gas pipes, liabilities as to 44
meetings—*See* " Meetings ".
officers and servants 67-68
proceedings of 22-24
property and Liabilities—*See* " Property and Liabilities of the Board."
Reclamation rights, particulars of 58
Seal, custody and use of 24
term of office 19
to exercise certain powers of Municipal authorities in respect of land vested in Board 43-44

CITY OF BOMBAY IMPROVEMENT (AMENDMENT) ACT, 1901 259
CITY OF BOMBAY IMPROVEMENT (AMENDMENT) ACT, 1908 404
CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1900 108
CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1903 331
CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1905 375
CITY OF BOMBAY MUNICIPAL INVESTMENTS ACT, 1898 1
Debentures issued by the Corporation, transfer to the Corporation of 2
power to reserve, for investment in securities for Sinking Funds and Surplus Moneys 1-2
validation of certain 2
signature by Municipal Commissioner to transfer of debentures . . 2
Municipal Commissioner, power of, to reserve debentures . . 2
validation of signature by, to transfers of debentures 2
CITY OF BOMBAY, POLICE ACT, 1902 271
Acts done in good faith, protection for 328
under colour of duty, time-limit for suit for . . . 328

Additional Police officers—

appointment and powers of 282
cost of 282
discontinuance of 28

PAGE.

CITY OF BOMBAY POLICE ACT, 1902—*contd.*

Arrest— 311
procedure after arrest 313
search 311–312
of women 312
warrant 314–316
without warrant 296–298
Assistant Commissioner of Police, appointment and powers of . 280
Bail—
bond 318
forfeiture of, procedure on 318
in case of—
bailable offence 317
non-bailable offence 317
Brothel-keepers, segregation of 292
Commissioner of Police—
appointment and removal of 280
consent, proof of 328
signature on notices, etc. 328
Magisterial powers 305
power to appoint, etc., police officers 281–283
Constitution of Police Force 280
Definitions 278
Deputy Commissioner of Police—
appointment and powers of 280
Magisterial powers 305
Divisions and Sections 283
Dogs, stray, destruction and sale of 293
muzzling of 293
Fees and rewards, etc., disposal of 326
gangs, dispersal of 292
Information—
in cognizable cases 305
non-cognizable cases 305
Investigations 305–311
License—
production of, when required 327
revocation of 327
Magisterial powers—
of Commissioner of Police 305
Deputy Commissioner of Police 305
Notice, public 327
signature of Commissioner 328
Offences and Punishments 319–326
official records, etc., protection of 308

PAGE.

CITY OF BOMBAY POLICE ACT, 1902—*contd.*

Order—
at religious ceremonials, maintenance of 291
in public places, preservation of 287, 291

Police Officers—
always on duty 285
appointment, promotion, etc., of 281
duties of 294–296
non-liability to penalty for acts done in good faith . . . 328
offences by 285–286
powers of 281, 296–298
resignation of 284
superior officers to perform duties assigned to subordinate officers 304
Pounds, public 303
fees 304
Procession and assembly, prohibition of 290
Prostitutes, segregation of 292
penalty for non-compliance with notice . . . 325
Public amusement or entertainment, places of 288–289
disorderly conduct in . . . 323
Public place or street, committing nuisance in or near . . . 323
reservation of 290
Repeals 278, 329
savings 278
Riot, prevention of 290-291
Rules and orders—
annulment of 327
non-liability to penalty for giving effect to, in good faith . . 328
not invalidated by irregularity in procedure 326
contravention of 325
Savings of—
certain Acts 288
official records, etc. 308
Schedules 329
Search—
for arrest 311
of women 312
warrant 316-317
Segregation of prostitutes and brothel-keepers 292
Special Police Officers—
appointment and powers of 282–283
refusal to serve as 283

PAGE.

CITY OF BOMBAY POLICE ACT, 1902—*concld.*
Stolen property, seizure of 298
suspected, omission to report possession of . . 320
melting of 321
Suits—
dismissal of, in certain cases 328
time-limit for, for acts done under colour of duty . . 328
Summons 314
Superintendent of Police, appointment and powers of 280
Trespass, penalty for 319
Unclaimed property 302
Unlawful Assembly, compensation for injury caused by . . 301
dispersal of 299-300
Unlawful detention for prostitution 324
Vagabonds, arrest of 298
Vexatious entry, search, etc., by police officers 285
Warrant of arrest 314–316
search 316–317
Weapons, offensive, seizure of 313
Weights and Measures 304
CITY OF BOMBAY POLICE CHARGES ACT, 1907 399
DEKKHAN AGRICULTURISTS' RELIEF ACT, 1902 264
DEKKHAN AGRICULTURISTS' RELIEF (AMENDMENT) ACT, 1907 . . 398
GOVERNMENT OCCUPANTS (SIND) ACT, 1899 105
Amended 403
Application of Act 105
Definition 105
Occupancies—
conditions, statement of 105
grant of, mode of making 106
power to grant 106
sums due recoverable as arrears of land revenue . . . 107
retrospective effect of Act 107
rights of occupants, transfer of 106
GOVERNMENT OCCUPANTS (SIND) AMENDMENT ACT, 1908 . . . 403
GUZARAT TALUQDARS' (AMENDMENT) ACT, 1905 371
KARACHI PORT TRUST ACT AMENDMENT ACT, 1902 264
KHOTI SETTLEMENT ACT AMENDMENT ACT, 1904 349
MAMLATDARS' COURTS ACT, 1906 384
Adjournment of proceedings 390
Appeals, bar of 394

PAGE.

MAMLATDARS' COURTS ACT, 1906—*contd.*

Collector, deemed to be a Court 394
to revise Mamlatdars' proceedings 394
transfer of suits by 387
Cause of action 386
Costs, recovery of 394
Courts, powers of 385
Decisions at hearing of case 391
how executed 393
proviso as to growing crops . . . 393
Delegation of power 385
Injunctions 386
disobedience to, penalty for 394
service of, mode of 393
Interpretation 385
Joint Mamlatdar 385

Mamlatdar—

orders to be passed by, upon decisions 392
points to be decided at hearing by 391
power to add parties 391
inspect property in dispute 392
transfer suits to Joint Mamlatdar 385
proceedings, revision of, by Collector 394
Notices, forms of 395–397
Orders to be endorsed on plaint and read out 393
passed by Mamlatdars on decisions . . . 392
Party (ies), death of, procedure in case of 391
power to add 391
Petitions, informal, to be treated as plaints 388

Plaints—

contents of 387
ex parte decision of 390
false, verification of, penalty for 394
informal petitions to be treated as 388
procedure when plaint admissible 389
rejection of 388, 390
return of 389
suits to be commenced by 387
to be subscribed and verified 388
endorsement 388
Plaintiff, default of 390
examination of 388
Possession, without prejudice to rights of parties 394
Proceedings, adjournment of 390
record of 392

PAGE.

MAMLATDARS' COURTS ACT, 1906—*concld.*
Revision of Mamlatdar's proceedings 394
Schedules 395-397
Suits—
bar of 395
commencement by plaint 387
time-limit for filing of 386
transfer of, by Collector 387
Mamlatdars 385
Witnesses, attendance of 389
SIND COURTS AMENDMENT ACT, 1906 383
SINDH VILLAGE OFFICERS (AMENDMENT) ACT, 1898 . . . 4

SIMLA
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS
1923